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26TH  
ANNIVERSARY

# In These Times

INDEPENDENT NEWS & VIEWS

February 17, 2003

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**Interns:** Brian Cook, Stacia Falat, Rebecca Manski, Naureen Shah, Jessica White

**Art Director:** Jim Rinnert

**Associate Art Director:** Seamus Holman

**Illustrator:** Terry LaBan

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*In These Times* (ISSN 0160-5992) is published biweekly by the Institute for Public Affairs, 2040 N. Milwaukee Ave., Chicago, IL 60647. Periodicals postage paid at Chicago, IL and at additional mailing offices. Postmaster: Send address changes to *In These Times*, 308 E. Hitt St., Mt. Morris, IL 61054. This issue (Vol. 27, No. 6) went to press on January 17 for newsstand sales February 3 to 17, 2003.

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**Subscriptions** are \$36.95 a year (\$59 for institutions; \$61.95 Canada; \$75.95 overseas). For **subscription questions, address changes and back issues** call (800) 827-0270.

**Editorial correspondence and letters** should be sent to: 2040 N. Milwaukee Ave., Chicago, IL 60647. Phone: (773) 772-0100. Fax: (773) 772-4180. E-mail: [itt@inthesetimes.com](mailto:itt@inthesetimes.com).

Complete issues and volumes of *In These Times* are available from Bell and Howell, Ann Arbor, MI. *In These Times* is indexed in the Alternative Press Index and the Left Index. Newsstand circulation through the IPA International Sales Cooperative at (415) 643-0161, or [info@bigtoppubs.com](mailto:info@bigtoppubs.com).

## Editorial

# The Many and the Few

**I**n *These Times* celebrates its 26th anniversary as we enter the third year of George W. Bush's presidency. And it's the same old story, the seemingly timeless struggle between the many and the few who use their wealth and power to deny that majority the promise of "liberty and justice for all."

One hundred years ago, the few attempted to put the kibosh on reformers' efforts to establish the eight-hour workday, child labor laws, the right to organize, basic food safety regulations and women's suffrage.

One hundred years ago, the few were supported by a national news media that were owned by the propertied class. That media assiduously championed the right of this class to do whatever they wanted with their property. Employing children in foul sweatshops? It's their factory. Selling the public toxic medicinal tonics? It's not the government's job to interfere with commerce. Hiring armed thugs to beat and intimidate striking workers? It's their work force.

One hundred years ago, however, the media were not monolithic. Reformers drew strength from influential newspapers and magazines—some of them owned by progressive members of the establishment and others that were overtly political, such as the turn-of-the-century socialist newsweekly *Appeal to Reason*, on which *In These Times* was modeled.

Today, the few are led by Bush (put in office after receiving fewer votes than his Democratic opponent, lest we forget). And today, the richest 1 percent of Americans—the few—will, thanks to Bush's tax breaks, enjoy an estimated \$500 billion windfall. (And he accuses his critics of engaging in class warfare!)

Today, Bush leads an administration that, in the two months since the midterm elections, has gutted one environmental regulation after another, from clean air protection to wetlands preservation—regulations that have been in place since the EPA was founded 32 years ago, and whose one-time existence he is betting voters won't remember in 2004.

Today, the commander-in-chief is massing U.S. forces for what appears to be an inevitable war against Iraq—a war guaranteed to bring more death and suffering, a war for which there is little support in the world

outside a few ruling political cliques in Washington and Tel Aviv.

Today, the White House and the Republican Senate are poised to take care of backlog vacancies on the federal bench (including many that have been held up since Clinton was in office) and further cram the nation's courts with right-wing judges. These judges will then be set to rule against any number of progressive measures—from reproductive rights safeguards to environmental protections to civil rights provisions—enacted at the state and local levels.

Today, a handful of media corporations control much of what the majority of people see, read and hear about the world they live in. These corporate media outlets are content to let the few rule as they please. Thus the network news and newspaper chains provide support, sometimes directly and often tacitly by their silence, for almost anything the administration does. Sure, the "liberal" *New York Times* may squawk on its editorial page at this inanity or that injustice, but seldom in just proportion to the outrage being perpetrated.

Along with a handful of other independent and progressive media voices, *In These Times*

***In These Times* is committed to challenging the status quo, to doing the job the corporate media are unwilling to do.**

is committed to challenging the status quo, to doing the job that the corporate media are unwilling or unable to do.

With this issue of *In These Times*, in addition to providing "the independent news and views" you can always count on, we celebrate one more year of publication. This year more than any other, our continued existence has depended on those readers who have supported the magazine above and beyond the cost of their subscriptions. (Each year-long subscription costs \$60, but the subscription price is kept well below that as part of *In These Times*' mission to reach a broader audience.)

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PPs, C students from Yale and a pitcher of warm spit.



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## Perk Chasers and Traitors

To quote the final two words of Ian Williams' review, "Orwell did"—stick around that is, and he discredited himself all the way ("Why Hitchens Matters," December 23). In the novelist's last years, as E.P. Thompson often observed and Frances Stonor Saunders confirms in her definitive *The Cultural Cold War*, the aged George Orwell became an informer, supplying 125 names to the British counterpart of the CIA. Worse, he thereby became the favorite of our own CIA's intellectual pet groups, the much-funded Congress for Cultural Freedom and American Committee for Cultural Freedom, which under various names for 29 years supported U.S. foreign policy among the all-too-willing intelligentsia.

Would Orwell have changed his mind again, and opposed, say, the CIA coup in Guatemala with its associated bloodbath, the Vietnam War and so on? We have no evidence to suggest that the author of the timeless *Homage to Catalonia* would not have become another Isaiah Berlin or Irving Kristol, posturing about "freedom" and chasing furiously after the perks.

Lamentably, mixing two parts despair with one part careerism, our former keen (if always erratic) essayist Christopher Hitchens now seems to have deserted us once and for all. More's the pity.

**Paul Buhle**  
Providence, Rhode Island

Ian Williams hopes "Hitchens sticks around." I don't. Hitchens could have emulated Orwell by criticizing those leftists who blindly supported whatever didn't conform to the positions of U.S. imperialism. But Hitchens signed on to U.S. intervention in the Balkans, Afghanistan and now Iraq without condemning the centerpiece of those interventions, the bombing of innocent civilians.

Anyone who characterizes the imminent attack on Iraq as "a war against theocratic nihilists," as Hitchens did, has betrayed the interests of the people and is deserving of Williams' epithet "neo-neocon" and many others.

Hitchens is a very talented writer, and it is too bad we have to lose him, but historically turncoats have been the most talented the enemy can find.

**Bernard Feldman**  
Watsonville, California

## Don't Fence Me In

Naomi Klein is on the mark ("Fences and Windows," December 23). The world's biggest fences are created by monopoly control of prime land and natural resources. Owners grow fat by virtue of their ownership alone, through the collection of economic rent. Workers remain thin, cut off from the only source of wealth: the earth and its riches.

The dark secret of globalization is the struggle to monopolize resources, and thereby wealth, and the transformation of them into power. While populations increase, the numbers of those who control the use of resources grow smaller. We live in interesting times.

**Bruce W. Oatman**  
New York

## Wrong Choice

Unfortunately, many of us in the San Francisco Bay Area active in human rights issues must take exception to John Nichols' characterization of newly elected House Minority Leader Nancy Pelosi as someone with "a solid record on human rights issues" ("Saving the Democrats from Themselves," January 6).

To give just one example, in the wake of Israel's military offensive in the West Bank last spring, Amnesty International issued a report documenting widespread unlawful killings, destruction of civilian property, arbitrary detention, torture, assaults on medical personnel and journalists, as well as random shooting at peo-

ple in the streets and in houses by Israeli occupation forces. This report was echoed by Human Rights Watch, Rabbis for Human Rights, B'Tselem and other reputable human rights organizations, both in Israel and abroad.

In response, House Whip Tom DeLay introduced a resolution which claimed that, contrary to Amnesty International's report, "Israel's military operations are an effort to defend itself ... and are aimed only at dismantling the terrorist infrastructure in the Palestinian areas."

The choice before the House came down to who is the more trustworthy authority on human rights: the right-wing fundamentalist Republican congressman from Texas or the Nobel Peace Prize-winning human rights organization?

In a vote widely interpreted as an attack on the credibility of Amnesty International and the human rights community as a whole, Pelosi chose to believe DeLay, supporting his resolution.

**Nanlouise Wolfe**  
Santa Cruz, California

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**Terry LaBan**



## Round Up

### INS "special registration" ends in mass arrests

Silja J.A. Talvi

LOS ANGELES—For immigrants and visitors alike, the American dream is fading fast. In mid-December 2002, at least 400 non-citizens, many Iranian, became the latest group to be caught in the undertow of a powerful tide of anti-immigrant sentiment.

After being instructed by the Immigration and Naturalization Service (INS) to participate in a "special registration" of non-U.S. citizens by December 16, hundreds of men ranging in age from 16 to 85 found themselves handcuffed, arrested and thrown into a basement holding cell designed for 20 people.

According to Soheila Jonoubi, a Los Angeles-based attorney representing several of the men, the detainees spent the next several days (and in some cases weeks) in custody. They were yelled at and deprived of food and water, bedding and adequate clothing, Jonoubi says, and were not informed of the charges against them. Some say they were subject to strip searches many days into their incarceration.

Jorge Martinez, a spokesman for the Department of Justice, says the men were detained because their non-immigrant visas had expired. After running background checks on the men, the INS had released all but 20 as of mid-January, according to Martinez.

Many of those arrested held legal immigration status and were simply waiting for INS hearings. "These men went in under the impression that they were simply complying with the new regulation," Jonoubi says. "All of their cases were pending, and they had all received work permits. It was actually a shortcoming of the INS in processing these people's applications for green cards."

"In the Iranian and Arab communities, people are in shock at the unexpected arrests," says Jordan Elgrably, the director of L.A.'s Levantine Cultural Center.

A congressional mandate enacted after the terrorist attacks of September 11, 2001, requires the INS to implement a comprehensive "entry-exit" program by 2005. As

a result, the agency has begun requiring registrations for "temporary foreign visitors," primarily from Middle Eastern and other predominantly Muslim countries. The first phase of registration involved males 16 and older from Iran, Iraq, Libya, Sudan and Syria. In addition to the L.A. arrests, men from these countries were detained in San Diego, San Francisco and a handful of other U.S. cities.

The second phase of registration in early January applied to nationals of 13 countries, including Afghanistan, Algeria,



Outside the INS in Sacramento.

Bahrain, Lebanon, Morocco, Somalia, the United Arab Emirates and Yemen (that deadline saw another seven arrested and 150 detained). A third February 21 deadline applies to an estimated 14,000 men and boys from Pakistan and Saudi Arabia; and a newly announced March 28 deadline applies to nationals from five more countries, including Egypt and Indonesia.

About 1,200 immigrants have been detained since the September 11 attacks, including several who were detained for weeks or months before being charged or released. That number is in addition to the 600 or so "enemy combatants" being held without right to due process in Guantanamo Bay, Cuba. In December 2002, Amnesty International renewed its call for repatriation of the uncharged detainees, as required by the Geneva Convention.

The USA PATRIOT Act, passed in October 2001, granted the INS the right to detain non-citizen immigrants for as long

as seven days without charge. It also permits the government to withhold evidence from detainees supporting their "terrorist" classification and denies those held the right to contest such evidence in court.

Under Attorney General John Ashcroft, a series of DOJ and INS directives have only further eroded the civil liberties of immigrants. Shortly after the attacks, DOJ set up investigative teams to track down, interrogate (and, in some cases, detain and deport) a targeted list of 6,000 non-citizens from countries with "active al-Qaeda" networks.

In December 2002, a lawsuit filed by the American-Arab Anti-Discrimination Committee and other groups attempted to prevent the government from making arrests during the registration process without appropriate warrants. The case was later dismissed.

The American Immigration Lawyers Association (AILA) has called for the immediate elimination of the registration program. Failing that, insists Judy Golub, senior director of advocacy for AILA in Washington, the INS must make an effort to clearly explain registration requirements to affected immigrant communities and cease detaining and deporting people with pending applications for legal residency. "We remain very concerned with the next batch of special registrations given what we saw in the first round," Golub says.

The arrests have caused widespread fear in immigrant communities, and critics say they represent an ineffective and dangerous approach that should be stopped. "It makes no sense from security or resource perspectives to target people who will eventually be granted lawful status because they have applications pending," Golub says.

"The racist component to these directives is hard to overlook," notes Michael Welch of Rutgers University, author of *Detained: Immigration Laws and the Expanding INS Jail Complex*. The escalation of selective registration, detention and deportation of immigrants, Welch says, has taken the form of a "large, very poorly guided fishing expedition."

"One of the great ironies of this kind of social control is that it erodes the cooperation of these immigrant communities," he says. "When a government embarks on a fishing expedition like this one, they're admitting that they don't have a lot of clues to begin with." ■

## Beyond Choice

On the anniversary of *Roe v. Wade*, overcoming abortion's stigma

By Eleanor J. Bader

On January 22, America celebrated the 30th anniversary of *Roe v. Wade*, the Supreme Court ruling establishing a woman's right to make private, personal choices about abortion and childbirth. Yet 30 years later, the legacy of the procedure's illegality—compounded by jeering protesters and anti-abortion legislators—still finds activists and providers on the defensive, protecting “choice” while sidestepping shrinking public support.

Even though a third of American women will have an abortion before age 45, according to the Alan Guttmacher Institute, the procedure remains highly stigmatized. Indeed, clinicians report

patients continue to be stunned that reproductive health centers are clean, well-lit and professional. “When we talk to patients, what comes out 100 percent of the time is that they assumed we’d be judgmental and treat them negatively,” says Stacy James, CEO of InterMountain Planned Parenthood in Billings, Montana. “They are so pleased that we treat abortion as just another medical procedure, that we do not make them feel shame or guilt.”

It wasn't always like this, say veterans of the battle to legalize abortion. Peg Johnston, president of the National Coalition of Abortion Providers (NCAP), blames the demise of consciousness-raising in the late '70s for transforming feminist politics and undercutting organizing on a host of issues, including reproductive rights. Women had “the idea that we could and should sit at the table of power,” she says. “From there, it was a short hop to ... ‘you can't say that’ and ‘that idea won't play on Capitol Hill.’ Real women were not informing the rhetoric anymore.”

Instead, “choice” became a code word, a way to address abortion without its con-

nection to sexual activity. “Choice is a great slogan,” Johnston continues, “clean, ambiguous. Not that choice is wrong—it's the essence of abortion—but it doesn't encompass the nuance and struggle that goes into making the decision.”

Increasing comfort levels so that people can speak openly about abortion is imperative, NCAP says. “Women don't use the word fetus,” says the group's executive director, Ron Fitzsimmons. “They call it a baby. We think it's OK for providers to use the language women use. We don't have to apologize or dance around the terms.”

What's more, everyone knows that pregnant women have three options—adoption, abortion or childbirth; all have their pros and cons. Yet when policy-makers discuss childbearing, it is always in glowing terms, as if health risks and postpartum depression are unworthy of mention. When laws mandate that states provide information to women considering their options, NCAP says, “we respectfully suggest that abortion not be singled out ... as if it is the least desirable alternative.” Such presentation helps remove some of the procedure's stigma.

In addition, NCAP is working to help women grapple with—and talk about—their emotions. “We need to recognize that people carry an emotional load about abortion,” Johnston says. “It is not realistic to assume that everyone who makes a decision will feel good about it. ... Abortion is about the deficiencies of life—the lack of child-care, male support, housing and employment. We have to acknowledge this.”

A few brave souls have already jumped on this bandwagon. Bay Area resident Aspen Baker founded EXHALE—the country's first “after-abortion counseling talk line”—in 2002. According to Baker, EXHALE's 17 volunteers recognize that “abortion is a very big thing for a lot of women, and callers want to talk about it with someone who doesn't have a political agenda. Some women are worried that they've ruined their chances of becoming a mother. Some are in stable relationships and already have children, but think that people won't understand why they ended a pregnancy. Young women who don't want to tell their parents and have no one else to talk to, call us. And men call. Some don't know how to support their partners; others have their own feelings about the event. We counsel them all.”

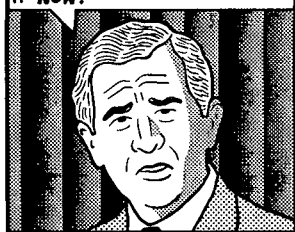
## THIS MODERN WORLD

by TOM TOMORROW

THE PRESIDENT MAKES A STARTLING ANNOUNCEMENT!

BECAUSE THE MOON MAY SOMEDAY BREAK OUT OF ORBIT AND CRASH INTO THE EARTH--

--I HAVE DECIDED TO USE OUR NOOKYALUR ARSENAL TO DESTROY IT NOW!



DONALD RUMSFELD BEGINS A “CHARM OFFENSIVE”!

SIR, WHAT EVIDENCE DO YOU HAVE THAT THE MOON COULD DESTROY OUR PLANET?

I COULD TELL YOU, BUT THEN I'D HAVE TO KILL YOU. HA, HA!



AVERAGE CITIZENS GROW INCREASINGLY ALARMED!

THE MOON'S COMPLETELY INHOSPITABLE TO HUMAN LIFE, YOU KNOW? WHY, IF WE LIVED THERE, WE'D ALL BE DEAD!

IT'S LIKE SOME SORT OF HUGE PSYCHO KILLER IN THE SKY!



SOON, THE DESTRUCTION OF THE MOON SEEMS LIKE THE ONLY SENSIBLE OPTION!

THE DAMNED THING COULD COME CRASHING DOWN ON OUR HEADS AT ANY MOMENT!

THE SOONER WE'RE RID OF THAT STUPID HUNK OF ROCK, THE HAPPIER I'LL BE!



A FEW LIBERALS DO RAISE TIMID OBJECTIONS--

YOU KNOW, THERE'S REALLY NO TELLING WHAT IMPACT THE DESTRUCTION OF THE MOON WILL HAVE ON THE EARTH'S OCEANS--

SNICKER! WHATEVER YOU SAY, MISTER SAVE-THE-WHALES!



--BUT OF COURSE, NO ONE CARES WHAT THEY THINK.

THEY WHINE AND COMPLAIN ABOUT DESTROYING THE MOON--BUT DO THEY HAVE ANY SOLUTIONS?

THEY PROBABLY JUST WANT US ALL TO SIT AROUND AND WAIT FOR THE MOON TO FALL RIGHT ON OUR HEADS!



CRAZY MOON-LOVERS!



EXHALE's callers learn of the service while in the recovery rooms of Bay Area Planned Parenthood and NCAP-affiliated health centers. "The clinics love us," says Baker. "They want to follow-up, but understand that patients often don't want additional contact with them. They see

that we're helping to undo the stigma, the feelings of isolation and the fear of judgment that many women have."

It is an enormous undertaking. "Our goal is to bring abortion into the mainstream as part of comprehensive reproductive health care," says Planned

Parenthood's Stacy James. "Plus, we need to get our side comfortable standing up and defending abortion as a reproductive choice. We need to help people say that you can be a mommy, daddy, teacher, physician, rabbi, minister, imam or whatever and [still] support abortion." ■

## Bush's War on Women

*Actions the Bush administration has taken against women's health and reproductive rights since January 2001:*

### January 2001

In his first executive order, Bush reinstates the "global gag rule," lifted under President Clinton, preventing any U.S.-assisted non-governmental family planning service from using its own money to provide or discuss abortions. The policy results in sharply increased numbers of unintended pregnancies, more unsafe abortions and the deaths of countless women around the world, according to Planned Parenthood.

### March 2001

Bush closes the White House Office for Women's Initiatives and Outreach, created by Clinton in 1995. This symbolic closing affects all federal women's programs, taking away a strong women's voice from the president's policy-making.

### April 2001

Bush removes contraceptive coverage from federal employee benefits. Despite further efforts by the Bush administration, the Treasury Postal Appropriations bill restores the benefits for the 2003 fiscal year. The House also passes the Unborn Victims of Violence Act, which attempts to make equivalent the legal rights of a zygote and a grown woman.

### July 2002

The House passes the so-called Partial-Birth Abortion Ban Act, banning late-term abortions even if the health of the mother is in jeopardy.

### October 2002

Information about contraceptives and abortion disappears from government Web sites, including the Centers for Disease Control and Prevention and the National Institutes of Health.

### December 2002

At a population conference in Asia, the U.S. delegation claims an agreement made at the 1994 International Conference on Population and Development promotes "abortion and underage sex." The delegation tries to substitute language dismantling sex education, undermining condom use in HIV/AIDS prevention, and watering down policies intended to prevent unsafe abortion. The position puts the United States in league with Afghanistan, Libya, Kuwait, Yemen and Iran.

## IN SHORT:

### Natural Union Busters?

Anti-union animus runs deep under the green-and-clean façade at the nation's largest natural grocery chain, Whole Foods Market. Shortly after workers at a Madison, Wisconsin store voted to join the United Food and Commercial Workers Union in July, two active union supporters were fired. "They commodify progressive values and give shoppers the illusion they're doing something good shopping there," ex-juice bar worker Debbie Rasmussen says.

Management alleges Rasmussen gave another employee a drink order made incorrectly for free, violating company policy. Rasmussen says she was trained to give away mixed-up drink orders, and that it was a daily practice in which managers took part. Charges of unfair labor practices filed with the National Labor Relations Board will be heard in February, according to the union.

Madison was the first of 140 Whole Foods shops across the country to unionize, and after the election—which management unsuccessfully contested—CEO John Mackey, author of a company statement titled "Beyond Unions," sent a bizarre e-mail to employees asking for "love and forgiveness" when they were faced with a hostile work environment. The note was followed with two more from top corporate executives riddled with anti-union rhetoric and skewed information about the Madison campaign.

Industry rival Wild Oats also has trouble translating green ethics into labor-friendly practices. Wild Oats sold a Norwalk, Connecticut store after it unionized three years ago, opening a new, nonunion store close by. It then illegally forced out two pro-union workers, and it is still balking at implementing a NLRB-brokered settlement, according to Brian Petronella,

president of UFCW Local 371.

"They're the natural food Wal-Mart," he said. "You're getting ripped off, and so are the workers."—MG

BY MISCHA GAUS  
AND JESSICA WHITE

### Falling Marks on Equality

The Institute for Women's Policy Research doesn't have an uplifting message for women in its recently released report, "The Status of Women in the States." While state rankings vary widely, the report reveals that all men might be created equal, but for women in the United States, location plays an essential role in their equality with men.

The Institute analyzed states in five categories it said had the most impact on daily life: employment and earnings, social and economic autonomy, health and well-being, reproductive rights and political participation. While women have it worst in the South, with Mississippi, Tennessee, Kentucky, Oklahoma and Arkansas coming in at the bottom in overall rankings, Massachusetts, Minnesota and Vermont were tied for first place. Women's earnings were a particular standout: For average income, the best 10 states for women were equal to the worst 10 states for men. Women earn an average of less than \$30,000 a year in 42 states, while the average man earns less than \$30,000 in only one. "The variance between states is drastic," says study director Amy Caiazza, "but in the worst states, it's just abysmal."

Even the best states could be better, Caiazza says. The report used a standard A through F grading system, and very few states earned A's or B's. "We want to push for policy change," she adds, because "there's a lot of room for improvement."—JW

# Dictating Democracy

In Kenya, a change in leaders may not mean all it seems

By Gregg Zachary

When the handpicked candidate of aging "big man" Daniel arap Moi was defeated by Mwai Kibaki in Kenya in December, the change was greeted with the usual hosannas that flow forth from the rich world whenever a corrupt, dangerous and deteriorating African regime loses power. But the West has a guilty conscience: Its leaders bemoan having to give permanent assistance to Africa, and it is all too ready to see turning points in the spectacle of African political failure.

Kibaki, Kenya's new president, is speaking the language of reform, but lacks experience in doing. A sitting member of Kenya's parliament for 40 years, Kibaki broke with outgoing President Moi a decade ago, only to lose two straight presidential elections against him. His win in December benefited from the deepening crisis now faced by Kenya, which, in diplomatic protest against Moi's erratic and self-defeating role, has seen foreign assistance greatly reduced in recent years. But Kibaki's victory was also a rejection of Moi's chosen successor, the son of Kenya's legendary independence leader Jomo Kenyatta.

In most of sub-Saharan Africa, elections remain family feuds, and democratic transition often means a game of musical chairs between members of an elite cut

off, courtesy of corruption, from the grim reality of ordinary African life.

For the moment, Kibaki talks the language of reform. "Corruption will now cease to be a way of life in Kenya," he said



Mwai Kibaki

at his inauguration in December. "I call upon all those members of my government and public officers accustomed to corrupt practices to know and clearly understand that there will be no sacred cows under my government."

These words are designed to bring aid donors back to the table, but corruption in Kenya is deeply rooted: Payoffs are essentially a tax against the low wages paid to civil servants and the high level of joblessness tolerated by a government without conscience. An indication of the limits of Kibaki's options came soon after the New Year, when parents—taking seriously the

## Naughty Vicar 1.6

The Church of England without lewd clergymen—it's as unthinkable as public school without sadism. It is, arguably, what makes England, England. Yet one such national treasure faces defrocking for uncontrollable randiness.

As the *Guardian* reports, an ecclesiastical court now weighs accusations against a country priest for vigorous and unsolicited French kissing, public pantomime penis play, and all-around eccentricity in his dealings with his flock. Things don't look good for the Rev. Harry Brown, 49, whose ministerial license was revoked by his bishop. He has appealed the ruling to the Archbishop of York.

In early January, the archepiscopal court heard one parishioner describe Brown's conduct at a New Year's Eve party, where the cleric pranced around with a long balloon dangling between his legs. Another parishioner told of her horrible encounter with Brown's tongue. "He approached me with his arms outstretched,"

explained Ms. Chris Collier. "I assumed he was going to give me a hug."

The priest had come to deliver some good news about a new job for Collier. "The next moment, he was towering over me, and I felt I was engulfed by him, and he was kissing me quite passionately," the victim continued. "My head was pushed right back, and he had his tongue in my mouth. ... It was not what I expected in a man other than my husband. ... If that was a French kiss, I am surprised at its popular appeal."

## Dubai Is for Rapists 0.9

A Frenchwoman languishes in Dubai after having been gang-raped by three men, reports the *Telegraph*. The victim, a native of Morocco but a naturalized citizen of France, worked in Dubai for French luxury-goods companies. She claims the men raped her after giving her a lift home from a nightclub. One of her alleged attackers told police that the sexual

encounter was consensual. None of the men has been arrested.

The victim spent five days in prison, but was released. Officials took her passport, however, and forbade her leave the country before her trial for adultery. Luckily for her, Dubai's jurists do not punish that crime with stoning.

## Cheap and Cheaper 4.1

It was bound to happen: Mexico's northern border region, home of the maquiladora, has begun to lose business as foreign corporations seek cheaper labor markets in Asia and other parts of Latin America. Still, regional commerce officials have not thrown in the towel. The Associated Press reports that they have begun to pitch foreign businesses on

the merits of Mexico's prodigious prison inmate community. Prison laborers earn the minimum wage of \$4.50 a day, half the wages typical of the area.

U.S. law forbids the importation of goods manufactured by prison labor. An AP reporter visited a prison in Ciudad Victoria, however, and ran into Clint Hough of Austin, Texas, who according to prison officials and inmates bought furniture from their carpentry shop. Much of it ended up in a Corpus Christi-based restaurant chain.





president's call for an end to primary school fees—rushed the academies with their children, only to find the places full and the government caught short with no plans or funds to expand school enrollment.

Kibaki may indeed find a way to improve conditions in Kenya, the cradle of humanity that still contains a remarkable range of wildlife. The country exports specialty vegetables to Europe, is a prime tourist destination for many (as the recent terrorist attack on Israeli visitors to Nairobi underscored) and is the transportation hub of East Africa. But with 30 million people and a generation of unmet social and infrastructure needs, Kenya does not require a 71-year-old political hack who compares favorably only to a tyrant. What it needs—along with much of sub-Saharan Africa—is a mass movement for social and economic justice.

There is no sign of one coming, not even a flawed campaign of the people. The next

big election in Africa comes on April 19 in Nigeria, the most populous country on the continent, home to about 150 million people. The election, if it comes off, will be the first time in Nigeria's 43-year history that a legally elected government has completed its term and stood for re-election.

Surely this is cause for cheer. But the sitting president, Olusegun Obasanjo, is a former military dictator who, while a man of rare principle in Nigerian politics, has presided over the implosion of what ought to be the jewel of West Africa. He has failed to curb Islamic fundamentalism in the northern region of the country, where strife between Muslims and Christians has taken hundreds of lives. And he has neglected the country's crucial oil industry, allowing regional inequities to fester—the people of the oil-producing Niger Delta are impoverished, while oil wealth goes to ethnic groups elsewhere in the country, including Obasanjo's own Yoruba people.

Obasanjo was even impeached by his own parliament and forced to survive a re-nomination challenge within his own party. Yet his likely chief challenger in the coming election is not a Brazilian-style "Lula"—a man who can speak to the grinding poverty of Lagos, the violent gangs of Iboland or the capricious injustices of the North. Obasanjo's challenger is another former military dictator, Muhammadu Buhari, who ruled the country for 20 months nearly 20 years ago.

To those who understand the sham politics of democracy in Africa, two former dictators running against one another, in a country with perhaps more immediate social conflicts and economic injustices than Brazil, makes perfect sense. "Obasanjo is an elected dictator," says Melford Okilo, a member of Nigeria's Senate. "So perhaps experience as a dictator is a qualification for the presidency." ■

## Illinois Governor Expels Death Row

George J. Thompson, 47, was on his 17th day of freedom after 12 years on death row. On January 11, Illinois Gov. George Ryan commuted the death sentences of 12 Illinois inmates to life in prison without parole. Among the inmates were 10 who had been on death row for years. Among allegations of police torture that galvanized death penalty opponents, the governor commuted three others on the basis of innocence. He later commuted four more, asking them to reconsider the cases of several other inmates. "I am going out" he told the *Chicago Tribune* "you got to throw the others the rope."

## Taking Stock

### Unions join fight against offshore corporations

By Lucy Komisar

Trade unions, workers' pension funds and state officials are taking the lead in a campaign to prevent companies from reincorporating in Bermuda and other tax havens—and to bring back those who've already gone.

Arguing that offshore registrations allow corporations to evade taxes, reduce shareholder rights and threaten the security of investments, the AFL-CIO, individual unions and pension funds such as California's Public Employees Retirement System (CalPERS) are filing shareholder resolutions and going to court against companies that move their paper headquarters offshore, where corrupt corporate executives have an easier time cooking the books.

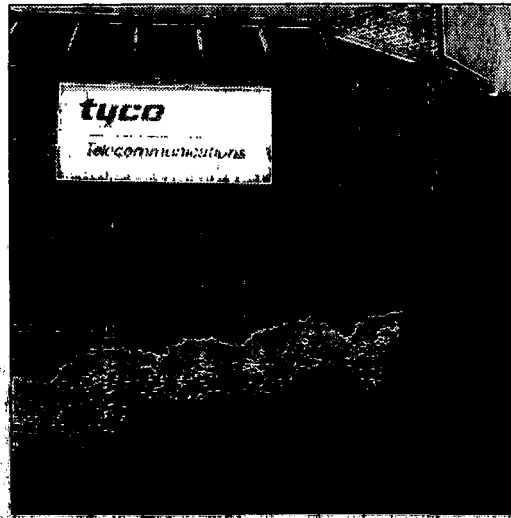
Connecticut Attorney General Richard Blumenthal said in congressional testimony last June: "We have learned from the Enron scandal the danger ... of shielding important corporate information from public scrutiny. The movement of corporations to a place where the legal rights of shareholders are severely constrained and confused—indeed at best unclear—is a matter of grave concern."

In a "corporate inversion," a U.S. company creates a new parent corporation based in a tax haven like Bermuda. The company and any foreign subsidiaries become subsidiaries of the new parent—and the entire corporation then benefits from tax reporting and regulations that are often significantly less demanding and expensive than those in the United States. In the past few years, about two dozen publicly traded companies have reincorporated in Bermuda or announced they would do so.

In Bermuda, corporate laws shift the balance of control from stockholders to a company's directors and severely limit investors' right to sue. There is no treaty with Bermuda guaranteeing the reciprocity of judgments—meaning stockholders may have a hard time ensuring American

court orders are enforced. In addition, stockholders' ability to obtain information about Bermudan court decisions is limited: The island does not even maintain an official court reporter. "As long as companies incorporate offshore," said William D. Crist, board president of CalPERS, "shareowners' abilities to pursue their rightful legal remedies are frustrated."

The AFL-CIO is taking aim at Tyco International, among other companies. Registered in Bermuda with real headquarters in New Hampshire, the union says the company "illustrates the risks for



Tyco's "paper" headquarters are offshore.

shareholders of incorporation in a jurisdiction that has severely restricted shareholders' ability to pursue claims against officers and directors."

The public employees union AFSCME has filed shareholder resolutions asking Tyco and two other companies, McDermott International and Ingersoll-Rand, to return to the United States. Ingersoll-Rand reincorporated in Bermuda, while McDermott chose Panama, another corporate tax haven. Votes on the resolutions will come in the spring.

CalPERS and the AFL-CIO are also targeting Nabors Industries, a huge, Houston-based operator of oil-drilling rigs. The union has filed a brief supporting an August 2002 shareholders class-action suit against the company; the suit is seeking an injunction to stop reincorporation and damages for breach of "loyalty, care and candor."

The suit was initiated by Steve Rosenberg, described by his New York lawyer Lee

Squitieri as "a normal businessman who blew his stack when he found out that the move to Bermuda would be a taxable event to him." In order to continue owning stock in the company, shareholders must exchange their U.S. holdings to buy stock in the new offshore company and are required to pay capital gains taxes on the transaction. Squitieri says moving offshore will cost shareholders money and give executives big profits. "The director defendants are weakening shareholder rights to advance their own interests," the suit declares.

Other unions are working on proposals involving two dozen other offshore companies. They include the Laborers International Union, which is also campaigning against Nabors, and UNITE, the textile workers union, which is targeting Cooper Industries, an electricity company.

Attacks on offshore holding companies are occurring at the state level as well. California state Treasurer Philip Angelides, who controls \$45 billion in state and local investment funds, has announced his state will no longer invest in 23 companies that have moved offshore. Investors have to act, Angelides said in November, because the "rudderless" federal regulatory system isn't working. He will ask pension fund boards across the country to divest offshore stocks as well. "We have to stand up as investors and owners," Angelides said, "to enforce some discipline in the market, because no one else is going to do it."

The AFL-CIO wants global companies to be registered in jurisdictions with real taxes and real corporate governance, says Damon Silvers, AFL-CIO associate general counsel. The International Confederation of Free Trade Unions is also looking at the issue of offshore registration.

Last November, as a result of public pressure, the Treasury Department issued regulations requiring companies that acquire offshore addresses to inform shareholders the change might require them to pay a tax. But since the elections, the Republicans have dropped the issue, even blocking attempts to withhold exemption from taxes on ersatz "foreign" profits or deny federal contracts to companies that move offshore.

Most ironic, perhaps, is a government that trumpets the joys of stock ownership while acting against the interests of ordinary shareholders—leaving trade unions to voice shareholder concerns. ■

DARREN MCCOLLISTER/GETTY

# Not Too Late for Venezuela

By Larry Birns and Matthew Ward

As well known for its venality as its commitment to democracy, Venezuela's middle class is currently staging a protracted strike against populist President Hugo Chávez, aimed not so much at reforming his government as at bringing it down.

One of the opposition's latest tactics is concentrated on a constitutional provision that, in fact, was drafted under Chávez, allowing Venezuelans to refuse to recognize any "authority that contradicts democratic values, principles and guarantees or impairs human rights." But under Chávez, human rights violations have been limited and few democratic values have been "impaired." Rather, it has been the opposition's end-justifies-the-means philosophy that threatens Venezuela's democratic fundamentals.

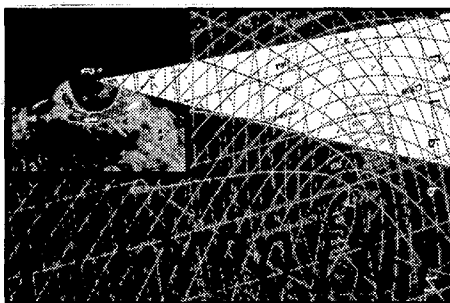
Unquestionably, Chávez has been insulting, infuriating and confrontational, straining some constitutional provisions to the breaking point. But he has adhered to democratic ground rules at least as faithfully as those opposed to his rule, with his failings as much a matter of style as of substance, of bark rather than bite. If ousted, a far greater blow would be landed on Venezuela's democratic prospects than on Chávez's personal destiny. For the poor, Chávez eternally would be revered as a leader who, though often not effectively, always fought in their name.

The opposition's anti-Chávez rhetoric all too often has been propelled by mendacious arguments defending meretricious goals. It has distorted as often as it has invented, featuring specious ad-hoc interpretations of the constitution and hysterical justifications for its outrageous behavior. It has proclaimed inclusiveness, but only discovered the previously invisible, poor, brown Venezuelans in recent weeks.

The opposition presents no program beyond a hatred of Chávez. The craven personal ambition of its leaders, some of whom see themselves as presidential material, barely can be contained. With the crucial help of Venezuela's skewed press, it frequently distributes false and always inflammatory interpretations of events. (The government is also jeopard-

izing the lives of Venezuelans by staging frenzied confrontations with opposing militants—joining anti-Chavistas in promoting class warfare with their slogans, chants and banners.)

The opposition particularly fears the implementation of a modest land reform program under which fallow or excessive



holdings would be transferred to the landless. Currently, 41 percent of the country's arable land is controlled by less than 5 percent of the population, and Venezuela has one of the hemisphere's highest concentrations of wealth in the fewest hands. About 65 percent of the population lives near or below the poverty line. From this segment comes Chávez's main support base, unlettered loyalists who will not easily return to past injustices or relinquish newly obtained benefits, such as free meals for their school children.

One of the opposition's major shortcomings is its calculated naiveté. It stages a political strike against the oil industry, and then chides Chávez for having the nerve to try to restore oil production by bringing in foreign or unlicensed substitute workers. The anti-Chávista media also bemoan the possibility of environmental calamities due to the influx of untrained replacement personnel, but don't face up to the fact that the dangers flow from the opposition's own strategy of asphyxiating the economy. The opposition also derisively lashes out at such basic institutions as the "Chávez-manipulated" Supreme Court, and then, in passing, cites the court's numerous anti-Chávez rulings that have damaged the president's standing.

The opposition game plan for eliminating Chávez poses a serious threat. Any non-constitutional solution will damage the country's revered tradition for political civility, while opening the nation to bitter infighting among the would-be victors.

The opposition could wait until next August, when the very constitution it selectively touts provides for a binding referendum midway through a presidential term on the incumbency's continued tenure. But what if Chávez won such a ballot? That would almost guarantee that some of the middle class, as occurred in Colombia, would turn to vigilantism against the perceived leftist devils.

Alternatively, the legislature could call for presidential elections earlier than 2006, even prior to next August. But, if the opposition is to triumph, it must do so lawfully and not through political chicanery or economic extortion.

As for Chávez, his excesses, indiscretions and immaturity have helped to make enemies out of former friends and have jeopardized the fulfillment of the vision he had for a better, more democratic Venezuela. But it may not be too late. From this moment onward, Chávez must temper his

## The opposition has no program beyond a hatred of Chávez.

conduct with a wisdom and reflection, which he has thus far failed to exhibit. To begin with, he must see that many of the thousands taking to the streets are worthy Venezuelans, capable of being assets rather than merely fulminating foes.

The opposition's policy of settling matters by scorching Venezuela's basic institutions recalls the disastrous consequences for President Salvador Allende's Chile in 1973. There, imprudent Christian Democrats solicited the military to rid the country of its president in order to bring on their own anticipated rule. Instead, they got 17 years of brutal repression. Both sides in Venezuela, beware.

Larry Birns is the director of the Washington-based Council on Hemispheric Affairs. Matthew Ward is a research fellow at COHA.



# Armed & Dangerous

Vigilantes  
terrorize  
migrants  
crossing the  
border

By R.M. Arrieta  
Tuscon, Arizona

**O**ne fall day in October, near the Cochise County town of Sierra Vista in Southern Arizona, an undocumented migrant was walking along state Highway 92 when the driver of a pickup truck pulled over. The driver, who had been going the opposite way, turned his vehicle around. Coming up next to the man, the driver asked if he was "illegal."

When the man said yes, the driver pulled out a handgun and pointed it at him. Resting the gun on his left arm, the driver cursed the migrant and ordered him to lie down on the pavement. Then the driver picked up his cell phone and called the border patrol.

This was hardly an isolated incident. In fact, it's practically open season on migrants in southern Arizona.

Because of the heavy border patrol presence at international checkpoints from California to Texas, hundreds of thousands of migrants are funneling into the United States through vast isolated areas of the Sonoran desert. The trip is harrowing, the elements unforgiving. Depending on the season, migrants face either thirst and heat stroke or freezing to death. Since 1994, when "Operation Gatekeeper" in San Diego and similar programs in Arizona and Texas began, more than 2,200 migrants have died trying to cross the U.S.-Mexico border, according to the California Rural Legal Assistance Foundation.

In the past few years, migrants have faced a new danger: overzealous U.S. citizens—often carrying high-powered rifles, sporting homemade badges and wearing camouflage fatigues—have forcefully detained thousands of migrants before turning them over to border patrol agents. Chris Simcox, the founder of Civil Homeland Defense, one of several groups in the region focused on keeping out "illegals," insists that U.S. citizens have

the right to guard the border. "American citizens, under the Second Amendment to the Constitution, have the right to bear arms and to form a militia," he says, "and I dare the president of the United States to do anything about it."

But human rights advocates suspect that vigilantes may be involved in a series of recent murders and attacks on migrants in desert areas between Tucson and Phoenix. Though the allegations remain unproven, there is a growing clamor for federal and state law enforcement officials to investigate the civilian militias and rein them in. "These groups are not talking simply about immigration," says Rep. Raul Grijalva, a Tucson Democrat who represents Arizona's 7th District. "They are talking about a containment policy based on race, they are talking about a policy that violates human rights, they are talking about a movement that takes the law into their own hands, ignoring due process, ignoring human rights, ignoring civil liberties, and taking it on themselves."

**S**imcox, publisher of a small town newspaper in Cochise County called the *Tombstone Tumbleweed*, brought the level of border paranoia to a new high with his October 24 editorial that issued "a public call to arms" to guard the border. He wrote: "It is time we, the citizens, band together to show our inept Homeland Security Department a thing or two about how to protect national security and the sovereignty of our Democratic Republic."

Appearing for an interview at his office in Tombstone wearing a gun holstered to his hip, Simcox maintains he has "all the respect in the world for human rights." Be that as it may, Simcox says he and his posse plan to patrol water towers set up by good



Migrants face a new danger on the border: overzealous civilian militias carrying high-powered rifles and sporting homemade badges.

Samaritans in response to the number of migrants who have died of thirst while trying to cross the desert. When asked whether the presence of Civil Homeland Defense might intimidate migrants from trying to get water, he replies: "So? Look, anybody who would take a chance to come across that border and walk across that desert must know what they are getting into."

Simcox, a former teacher at a private school in the Los Angeles area, moved to Arizona last year. He claims to have received support from around the nation following his call to arms. "We had a company donate thousands of pairs of plastic handcuffs. They wanted to send us the metal ones, but they make too much noise while you are out there and it's too dangerous."

Civil Homeland Defense—which launched its first volunteer patrol for undocumented migrants along an isolated stretch of the U.S.-Mexico border in early January—is not alone in its pursuit of "border crossers." Farther south, the border town of Douglas, which bumps up against Agua Prieta, Mexico, received notoriety a few years ago after ranchers Roger and Donald Barnett vowed to stop undocumented migrants from entering the United States. The ranchers claim to have detained up to 8,000 migrants in the past four years. They also admit to "roughing up" some of them.

Now they've been joined by groups like Ranch Rescue, originating in Abilene, Texas, whose "Operation Hawk" sent armed volunteers in fatigues to patrol Cochise County in October. The group's organizer, Texan rancher Jack Foote, says Ranch Rescue helps private landowners repair private property destroyed by the "mass numbers of criminal trespassers." The group says its members include former border patrol agents, military personnel, law enforcement officers and readers of *Soldier of Fortune*

magazine. Ranch Rescue describes people who cross the border as "drug smugglers, criminal gang members, bandits, thugs and international terrorists."

**A**nother recent arrival is the American Border Patrol (ABP, not to be confused with the federal U.S. Border Patrol), whose leader, Glenn Spencer, moved to Arizona late last year after deciding that "nothing more could be done for California, that no matter who won in the state elections, there would always be an open-border policy."

Spencer calls his group a combination "think tank and neighborhood watch." The Southern Poverty Law Center, which tracks neo-Nazi groups across the country, calls ABP a hate group. Spencer has links to the racist, right-wing Council of Conservative Citizens (CCC), one of the largest white supremacist groups in the country. In 1998, Spencer went to Cullman, Alabama, to attend a CCC-organized protest against the growing population of Mexican workers. Spencer also has advertised his anti-immigrant videotape "Bonds of Our Nation" in the CCC newspaper, *The Citizen Informer*.

According to "Hate or Heroism," a report released by the Tucson-based Border Action Network (BAN) in December, Spencer was a keynote speaker last February in Herndon, Virginia, at an American Renaissance conference titled "In Defense of Western Man." (His topic: "The Second Mexican-American War.") According to its Web site, American Renaissance is an umbrella organization that provides a forum for groups and individuals united in their concern over the "costs of diversity, racial differences in IQ [and] the threat of non-white immigration."

Operating out of a secret headquarters somewhere near the town of Hereford, ABP uses high-tech surveillance to monitor people crossing the border illegally and uplinks video to the Internet of Roger Barnett and others detaining migrants. "We look at Spencer as a high-tech version of David Duke, using his technology to further his racism and scapegoating," says Jennifer Allen, co-director of BAN.

Spencer and his group contend that the United States is being invaded by Mexico and that the migrants who cross the desert do not come to find work or better lives, but come instead on a directive from Mexico to reclaim the Southwest. He singles out groups like the Southern Poverty Law Center, the Chicano-rights group MECHA, La Raza Unida and Tucson's Coalicion de Derechos Humanos as "de facto agents of Mexico."

"These groups are anti-American," Spencer says. "Mexico is interested in invading the U.S., and they've got agents making

it was coyote vs. coyote. We believe the group was with a group of smugglers who were then kidnapped by another group of smugglers. It's a business."

"Do they have any evidence that it was coyotes?" asks Isabel Garcia of the Coalicion de Derechos Humanos, and a public defender in Pima County. "If they had any other evidence, they would tell the press. But it's the convenient thing to say it was coyotes. It's embarrassing for them to think it might be [civilian militias] because law enforcement has turned a blind eye to what's been going on over the past three years."

Garcia herself has been targeted by the American Border Patrol. The Department of Justice warned her in May 2001 that her image had been posted on the ABP Web site, along with directions to her speaking engagements. Posted maps marked the locations of her scheduled appearances.

Cecile Lumer of Citizens for a Border Solution in Cochise

**"Mexico is interested in invading the United States. The Mexican government has its agents here, trying to stop people like us."**

sure that this happens. This is a vital interest to the president of Mexico. The Mexican government has its agents in here, trying to stop people like us."

**H**uman rights advocates in Arizona say they have been warning state officials about the growth of these self-styled militia groups for the past three years, with no response. "There have been a number of documented instances where migrants have been intimidated and threatened by groups patrolling the border," Allen says. "That in itself is enough to warrant the state to take action."

While law enforcement agencies and state and federal officials do not link any of the attacks and execution-style killing of migrants that have taken place along the border over the past few months to vigilante groups, human rights advocates allege that is precisely what is happening.

In November, a group of 14 migrants were fired on by masked attackers while standing in the desert at a popular "pick up" point about 20 miles southwest of Tucson. According to reports given to sheriff's deputies, only nine "border crossers" were later found. Law enforcement in the area are blaming smugglers, or "coyotes."

In October, in Red Rock, about 30 miles northwest of Tucson, a 32-year-old man told investigators that he was standing in the desert with a group of 12 migrants when two men wearing camouflage fatigues pulled up in a vehicle and opened fire on them. The man managed to escape and summon help. By the time investigators arrived, two men lay dead and the remaining nine had disappeared.

"There is no sign that this had anything to do with vigilante action," says Mike Minter, spokesman for the Pima County Sheriff's department. "We aren't ruling that out, but it looks like

County has her own questions about the Red Rock incident. "Law enforcement says, 'Oh, it's the coyotes,' but coyotes have never killed and shot their people," she says. "They may abandon them, but I've never heard of that before." Lumer and three other members of her group have been profiled on the ABP site as well, listing personal information such as where they work and live.

Farther north in Maricopa County, near Phoenix, the sheriff's department is investigating eight separate execution-style murders that happened from March to October. "They were killed at different times but in the same manner," says spokesman Lt. J.J. Tuttle. All the victims were found with their hands bound behind their backs. Seven were shot in the head. The eighth was stabbed.

None of the killings has been solved. "We are trying to link victims," Tuttle says. "Most of them are Mexican nationals." Investigators are looking at whether drug trafficking might be involved. While they cannot rule out vigilante groups, Tuttle says, "nothing is pointing to it."

**I**n November, the U.S. Commission on Civil Rights asked the Justice Department to investigate reports of migrant deaths and civil rights violations resulting from vigilante actions along the border. The request follows an August fact-finding mission by the commission's Arizona State Advisory Committee. "We have a rule of law in our country and need to work from the perspective that we will resolve these issues in a way that will bring all the people to the table," says committee chairwoman June Webb-Vignery. "These vigilante groups are not operating in that way."

The Department of Justice has yet to respond.



The Mexican consulate also has "voiced concerns" about the civilian patrols and the murders of migrants to the Justice Department and the U.S. attorney's office in Phoenix. "But up to this point, we haven't seen much reaction," says Miguel Escobar Valdez, the Mexican consul in Douglas. "When armed citizens apprehend undocumented migrants, there's always the inherent element of danger that things might escalate—and then we're going to have a real bloodletting in our hands."

"We don't talk about hypotheticals," says Pat Schneider, spokesman for the U.S. attorney's office. "If and when a federal law is violated, then we may or may not look at it. Until that happens, we won't talk about it."

One of the first things that Raul Grijalva did as a new member of Congress was to call for a federal investigation into vigilante groups and civil rights violations along the border. In a letter to U.S. Attorney Paul Charlton, he warns, "The words and actions of these groups are ample evidence of an armed racist movement intent on taking the law into their own hands."

The response to Grijalva—whom the ABP calls the "Mexican Reconquista in the U.S. Congress"—has been noncommittal, too. Schneider says the U.S. Attorney's office "will analyze and determine what the appropriate response is. If it is suggested there have been violations of state or federal law, we will refer it to the appropriate agencies."

"This situation would not be tolerated anywhere else in this country," Grijalva says. "You don't see militias forming in Dade County, Florida, you don't see militias forming anywhere else. I suspect that's because of the tolerance from local authorities."

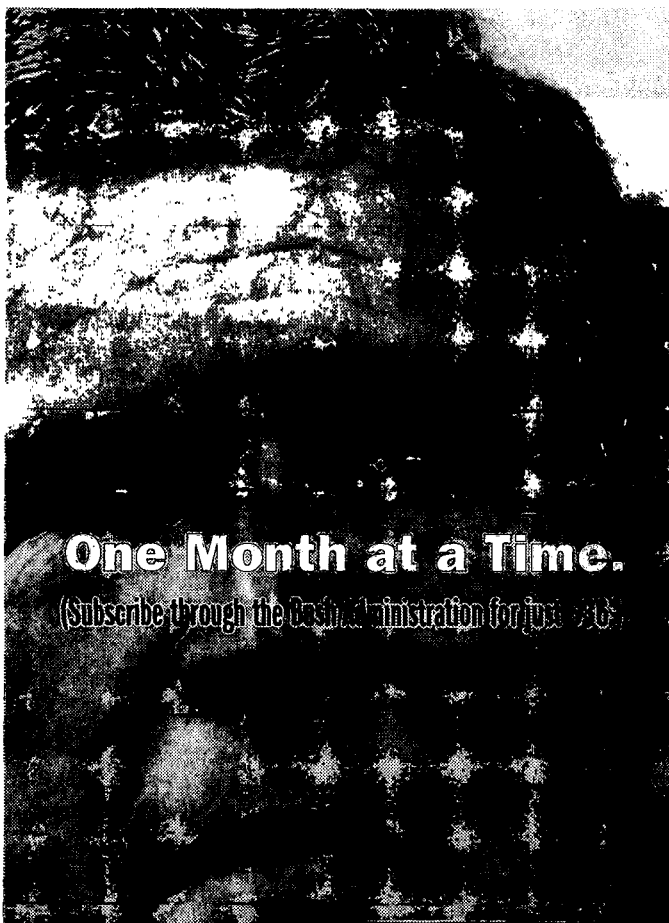
While many local residents are frustrated with border policy, most do not support armed citizen patrols. On January 7, the Bisbee City Council joined three other cities in unanimously endorsing a resolution against the formation of civilian militias and vigilantism at the border. Mayor Dan Beauchamp says a copy of the resolution is headed to Rep. Jim Kolbe and Sens. Jon Kyl and John McCain. The Cochise County Board of Supervisors and city councils in Sierra Vista, Tombstone and Douglas have passed similar resolutions.

Opponents of the militias may have growing support at the state level. Following the release of BAN's report, newly elected Gov. Janet Napolitano, who had been silent on the issue, says there is "no place for vigilantism—whether on public or private land," according to spokeswoman Kris Mayes.

Back in Tombstone, Simcox sits in his office, answering e-mails, juggling media interviews and organizing more volunteers. "We network," Simcox says, "There will be dozens and dozens of groups similar to the one that I'm doing. Ranch Rescue will be coming back. Glenn Spencer's American Border Patrol will be out there. There'll be many groups who will be coming out after the first of the year."

"These groups have been allowed to fester and, potentially, to grow," Grijalva says. "We cannot wait for more tragedies to occur along the border in order for people to pay attention." ■

**R.M. Arrieta** is a freelance journalist who has worked for KCBS News Radio and El Tecolote, a bilingual biweekly in San Francisco. This story was produced under the George Washington Williams Fellowship for Journalists of Color, a project sponsored by the Independent Press Association.



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# ATTACK IRAQ?

## THE REAL REASONS AND LIKELY CONSEQUENCES OF THE NEXT WAR

By Rashid Khalidi

**T**he Bush administration has offered three main reasons for war with Iraq. First, Iraq has developed and may possess weapons of mass destruction, has a history of aggression against its neighbors, and has sponsored international terrorism. The administration argues that since Iraq might share such weapons with terrorists, only war can eliminate this threat to the United States.

Second, the Iraqi regime is a brutal dictatorship that has used lethal weapons against its own citizens. The administration argues that only war can ensure its removal and the installation of a democratic successor, opening up, they say, a whole new era of democracy throughout the Middle East.

Third, Iraq has repeatedly violated U.N. Security Council resolutions. The administration says that since Iraq is now in violation of U.N. Security Council Resolution 1441, recently passed, the United States would simply be enforcing international law by going to war to remove its regime.

Rarely have false conclusions flowed so smoothly from sound premises. Iraq did use poison gas against Iran and its own citizens, had nuclear and biological weapons programs, and aggressed against Iran and Kuwait. Most credible observers believe, however, that Iraq has no prospect of developing nuclear weapons or delivery systems in the foreseeable future.

Moreover, this same Iraqi regime possessing the very same weapons systems was strongly supported by the United States in its war on Iran. It was supplied by the United States and its allies with the wherewithal for its most lethal non-conventional weapons. None other than Donald Rumsfeld himself was in Baghdad as

**However much Iraqis loathe their regime, they will soon loathe the American occupation that will follow its demise.**

President Reagan's envoy while Iraq was using poison gas against both Iranian troops and its own Kurdish citizens—without him or a succession of U.S. envoys emitting so much as a peep.

International terrorism has been sponsored by Iraq. It was directed primarily against other Arab countries, against Iran, against the PLO and against Israel. There has been no proven case where it was used against the United States, or where Iraq has offered non-conventional weapons to terrorists, nor is it likely to do so. Iraq no longer scares its neighbors, as is proven by the fact that virtually none of them supports this war. In fact, Iraq today poses no credible threat to the United States, its vital interests or its allies.

The Iraqi regime is a ruthless dictatorship. In spite of its atrocious human rights record before its invasion of Kuwait, however, this regime was the darling of the Carter, Reagan and first Bush

administrations. It is highly questionable whether the occupation of a complex, divided country like Iraq and the installation of a new regime will lead to a rapid flowering of democracy. And it requires a breathtaking combination of naiveté and wishful thinking to believe the occupation of Iraq will lead to the peaceful spread of democracy in the Middle East.

Iraq, I would remind you, is not the only serial violator of Security Council resolutions with nuclear weapons. But no one proposes using force against either Israel or India or, for that matter, North Korea—all three of which have workable nuclear weapons and lethal delivery systems, unlike Iraq. Moreover, the Security Council alone can authorize the use of force and it, and not any member state, even the United States, is the sole judge of whether to do so.

Even if it does make such a decision regarding Iraqi arms violations, it is inconceivable that the Security Council will sanction the overthrow by the U.S. military of a member state's government, even one so atrocious as that of Iraq. None of these are matters for the United States to deal with alone. No one elected us world policeman, and no one elected us the sole judge of international law.

Let me quickly examine the real reasons and the likely consequences of this war. First, it will be fought because of an aggressive, ideological vision of America's place in the world, propagated by the neoconservatives who dominate the commanding heights of the American bureaucracy. Their vision proposes unfettered world hegemony for the United States, to be consecrated by the demonstration of U.S. power crushing a weak Iraq.

Second, this war will be fought because of an obsession with control of the strategic resources (read: oil) and geography offered by the Middle East, with the view of neutralizing potential challengers to American hegemony in the 21st century (meaning primarily China). Fantastic as it sounds, after an unconditional U.S. victory in the Cold War, and given that our defense budget is bigger than those of the next five great powers put together, these ideas are fervently believed by those who surround our president.

Third, this war will be fought because these neoconservatives desire to make the Middle East safe not for democracy, but for Israeli hegemony. They are convinced that the Middle East is irredeemably hostile to both the United States and Israel; and they firmly hold the racist view that Middle Easterners understand only force. For these American Likudniks and their Israeli counterparts, sad to say, the tragedy of September 11 was a godsend: It enabled them to draft the United States to help fight Israel's enemies.

What are the potential consequences of a war in Iraq likely to be fought without U.N. sanction and without significant support from American allies? Irrespective of its cost or length, this war will mark not the end, but the beginning, of our problems in this region. Because, however much Iraqis loathe their regime, they will soon loathe the American occupation that will follow its demise.

No expert on Iraq believes the United States can simply invade and then rapidly withdraw without a bloodbath and a regional power vacuum ensuing. None believes that the creation of a democracy in Iraq will be a swift or simple matter; some believe it is not possible as a consequence of an American military occu-

pation. And no one with any sense could believe a one-person-one-vote democracy in a country with a 60 percent Shi'ite majority is the Bush administration's objective. Think about that.

So we will not have democracy in Iraq. We will have a long American military occupation that will eventually provoke resistance. It took two years before the Iraqis revolted against British forces in 1920. They then almost chased them out until unrestricted air attacks restored British rule. Via a lengthy and bloody occupation of Iraq, via the establishment of U.S. bases there, via the direct control of Iraqi oil, we will be creating legions of new enemies throughout the Middle East.

For those who believe that "all of them" in the Middle East hate us anyway, this will be fine. It will provide the pretext for them to execute the next phase of their crackpot schemes, which involve marching on to Tehran and Damascus. It will provide them with new enemies to justify fattening a defense budget that can never be big enough for them.

But for those of us for whom empire is not part of our vision of the destiny of the United States and who do not want our children, our grandchildren, our brothers and our sisters fighting in places none of us can even find on a map, perhaps it is time to say, enough is enough.

It is time to ask hard questions that never seem to be asked in Washington. Such as, if for decades during the Cold War, when facing a nuclear-armed superpower with clients throughout the Middle East, the United States could protect its vital interests with an over-the-horizon military presence, now, with the Cold War over, why must there may be American bases in so many countries there? Or, why do we need an ever bigger defense budget to support conventional and nuclear forces designed to deal with enemies that have already disappeared, when the most dangerous enemies we've faced in the last decade were armed with box cutters?

Against those who attacked the United States on September 11, the Pentagon's hundreds of billions are not only useless, they are counterproductive, since they provide the circular, self-justifying logic for bases and for the heavy-handed control of far-off places that engender hatred against us. But those billions can produce—and, if there is a war, will produce—an overwhelming victory over a fifth- or 15th-rate power like Iraq. So our leaders propose a war on Iraq, a war that will only create enemies among people who could be our friends, but for the actions we are about to take against them. I propose that we withhold our consent and stop this unjustified and unjustifiable war before it begins. ■

*Rashid Khalidi is a professor and director of the Center for International Studies at the University of Chicago and a frequent contributor to Tikkun, NPR and CNN. Khalidi is the president of the American Committee on Jerusalem and was an adviser to the Palestinian delegation at the Madrid and Washington Arab-Israeli peace negotiations from 1991 to 1993. Among his books are The Origins of Arab Nationalism and Palestinian Identity: The Construction of Modern National Consciousness. These remarks were made as part of "Attack Iraq? The Missing Debate on Peace, Justice and Security," an event organized by The Public Square ([www.thepublicsquare.org](http://www.thepublicsquare.org)).*



# ALLY OF EVIL

## IS THE U.S. SUFFOCATING REFORM IN IRAN?

By Jehangir Pocha

### Tehran, Iran

**T**he contentious relationship between the United States and Iran remains one of the longest-running soap operas of modern politics. The story swings from hatred to friendship, with broken promises, treacherous betrayals, blackmail, public antagonism and covert rapprochement.

In a new plot twist, some Iranian opposition leaders claim that Washington has cut a deal with Iran's conservatives that would effectively trade democracy in Iran for regime change in Iraq.

"Despite sporadic verbal concern with the condition of human rights in Iran, the U.S. is protecting and providing clandestine support to the right-wing conservatives in Iran," says Sayed Ali Asghar Gharavi, a member of the banned but tolerated Iran Freedom Movement (IFM), the country's leading opposition party. "The U.S. government in no way favors the coming to power of the reformist groups in Iran and is secretly supporting the religious conservatives."

Government insiders in Iran allege that the deal, first proffered by British Foreign Secretary Jack Straw, is simple: If the hard-liners quietly support the United States in Iraq, Washington will quietly support them. U.S. State Department officials declined to comment.

In the near term, such a bargain may appear rational to U.S. military planners. Iran is in a state of flux. Helping Iran's hard-liners consolidate their power could prevent domestic instability from compromising U.S. actions in Afghanistan and Iraq. Since the hard-liners also control Iran's military, their acquiescence to U.S. presence in the region is essential.

In the longer term, such a deal could fatally debilitate Iran's democracy movement. With U.S. support, Iran's tottering conservatives could re-establish their control over the nation and squelch Iran's fledgling opposition. If such a deal is proven—or even widely believed to exist—it could crush the growing amity many Iranians feel for the United States.

The widespread anger over U.S. support for the Shah, which for years inspired the regular burning of American flags in the streets, has waned. After two decades of economic stagnation and harsh

social restrictions, many Iranians have come to see America, the Great Satan of yesterday, as the great hope of tomorrow.

Since the mid-'90s, as a new generation of Iranians has struggled for the freedoms and opportunities of an open society, they have looked to America for inspiration. As they have built their resistance against the same hard-liners that Washington opposed, there seemed to be an unspoken compact between the two.

On campuses, where a visceral hatred of America once defined student culture and precipitated the 1979 storming of the U.S. Embassy and the ensuing hostage crisis, the new admiration for America changed perceptions. "Everyone knows America is the best country in the world," Zara Abddi, a university student, says unflinchingly. "It is best because it is free, and I want to be free, too."

**I**n the immediate aftermath of 9/11, there was a massive outpouring of empathy for America. Vast numbers of students gathered on Tehran's streets to hold spontaneous candlelight vigils. Visitors flocked to the U.S. Interest Section of the Swiss Embassy to sign a book of condolences. On national TV, Iran's national soccer team observed a moment of silence before beginning a game. "September 11 fostered solidarity between Iranians and America," says Javad Ghatta, an English teacher and reformist in Esfahan. "It was a common bond coming from a sense of both having been violated by Islamic extremists."

Iran's three major political groups—the conservatives who run the country, the reformers trying to reshape it, and the pro-democracy parties and students—attempted to reach out to the United States. "There is a strongly held belief that the party or person that can develop a working relationship with the United States will ultimately rule Iran," Ghatta says.

The conservatives, who control Iran's secret police and military, cooperated fully with the United States in Afghanistan. Tehran pressured Afghan warlords to support the Karzai government and collaborated in tracking down al-Qaeda and the Taliban.

Iran's reformists, led by President Mohammad Khatami, tried to engage the United States by condemning terrorist groups worldwide and making gestures of goodwill. Last November, on the anniversary of the 1979 taking of the hostages at the U.S. Embassy, former student leader Ebrahim Asgharzadeh, who is now a reformist, went on national TV to say the action had been "a mistake."



University students hold newspapers calling for an apology from Iran's judiciary during a demonstration to protest the death sentence of dissident professor Hashem Aghajari. In an August speech, Aghajari told students not to follow mullahs blindly, "like monkeys."

In the months after September 11, student groups and pro-democracy activists stepped up their anti-government protests. Some even supported President Bush's targeting of Iraq. They hoped that the presence of U.S. forces along Iran's eastern border in Afghanistan and Pakistan would further squeeze Iran's hard-liners and build regional momentum toward democracy.

Government hallways, college campuses and coffee shops reverberated with talk of a turnaround in U.S.-Iran ties. "People were waiting for the United States to make some gesture of reconciliation with Iran," says Ghatta, who wishes Bush had used the opportunity to re-establish diplomatic ties with Iran that have been severed since 1979.

Instead the president branded Iran as an "axis of evil" nation and increased the country's isolation by denying visas to even non-political Iranians, including filmmakers and students, says Ebrahim Yazdi, Iran's ex-foreign minister who is now the leader of the IFM.

Initially this response was seen in Iran as a U.S. rebuff. But in recent months, the Bush administration's muted criticism of Iran's hard-liners, its silence over the arbitrary arrests of several pro-democracy activists, and its increasing cooperation with Iran's military in the war against al-Qaeda is leading many Iranians to accept Gharavi's assertion that the United States is "secretly supporting Iran's totalitarian government."

Says one reformist MP who asked to remain anonymous, "The United States might like what we say, and what we want to do for our country, but it prefers what the hard-liners can do for them." What the United States really wants, he says, is what

only the hard-liners could supply: military cooperation and a reduction of direct support to the Hezbollah in Lebanon.

Such murmurings are already creating a deep resentment among Iranians and invoking bitter memories in Iran of the 1953 coup, in which British and U.S. forces deposed the democratically elected government of Mohammad Mossadegh and brought the hugely unpopular but pliant Shah to power. Mossadegh had incurred the West's wrath by nationalizing Iran's oil industry. By deposing him, says Yazdi, who was a student activist at the time, the British and Americans "suffocated the development of democracy in Iran in its embryonic stage."

The coup made Iranians acutely sensitive to the U.S. propensity for supporting right-wing dictators at the expense of local democracy movements, Yazdi says. This belief was also reinforced when the secular opposition in other Islamic states such as Saudi Arabia were demolished, with the connivance of the United States. "For more than a century, Iranians have relentlessly struggled for a democratic system," Gharavi says. "This striving has always had its not-so-little price, and the aftermath of each rout has always revealed the influence of the United States and the United Kingdom in thwarting Iranian efforts for liberty."

The feared scenario is that Iran's hard-liners will ease the U.S. entry into Iraq, and then use the bogeyman of the "Great Satan" as an excuse to crack down on the opposition. IFM activists say that a crackdown has already begun. Iran's hard-liners have arrested scores of people making even minor criticisms of their regime. Among them was Hashem Aghajari, a reformer close to President Khatami, who received a death sentence for saying that

Muslims need not follow mullahs blindly, "like monkeys." In an August speech titled "Islamic Protestantism," Aghajari told students: "In all matters, especially in religion, your reason is a better tool of discernment than all the sayings of prophets and clerics."

**T**hat the crackdown has come just as Khatami tabled two resolutions in parliament aimed at reducing the power of clerics in Iran's government is not lost on Iranians. Many see it as a direct challenge to the reform movement. Massive demonstrations have rocked Tehran in protest since November. Demanding the release of Aghajari, students have held massive protests, blocking off major roads. Despite the arrest of student leaders, the passionate protests have spread to include disenfranchised workers and average citizens.

But Iran's hard-liners have remained stoic and unyielding. More protests have been banned and additional arrests ordered. The Bush administration's silence in protesting these actions is further promoting the belief that Washington and Tehran are "dancing to some private tune," says Azar Bharami, a poet and women's rights lawyer in Tehran.

Not everyone agrees. Hameed Motafarian, a religious teacher in Qom, scoffs at this idea, dismissing the allegations against the government as political maneuvering. Motafarian says the IFM sees both Iran's religious clerics and capitalist America as political antagonists. By arguing that both are in cahoots, Motafarian says, the IFM is trying to emphasize its distinctiveness and win new supporters to its "socialist" cause.

Yet secret agreements between the United States and Iran are nothing new. The Iran-Contra deal, where arms were exchanged for hostages during Ronald Reagan's presidency, is only the best-known example.

Still, Yazdi says the United States "has consistently failed to understand the deep impact" of its suffocation of Iranian democracy. The revolution of 1979 was nothing but a delayed reaction to the coup of 1953, he argues. Having then struggled through two decades of internal turmoil to build the region's largest grassroots democracy movement, Iranians are likely to react sharply to any U.S. attempt to further undermine them.

If the recent thaw in how Iranians perceive America is reversed, political reconciliation with Iran could be pushed back decades. The cost of losing Iran, just as it seemed so close to returning into the world system, would reverberate globally. As the only nation in the region that has overthrown its "American puppet" and established an Islamic state, Iran is the inspirational model of radical Islamic groups across the world. Resurgent anti-Americanism in Iran could fan a new upsurge in militant Islam across the region.

Standing under the elegant Si-o-Se bridge in Esfahan, surrounded by people singing sad Iranian folk songs, Ghatta worries that President Bush's excessive zeal in prosecuting the war on Iraq is leading him to miscalculate on Iran. "It's like a game of pool," he says, his Western education still coloring his metaphors. "While pocketing the Iraq ball, Bush needs to make sure he is also positioning himself well with respect to the Iran ball. Or else things could go very wrong." ■

**Jehangir Pocha** wrote about India's Hindu right in the January 20 issue. To read transcripts of his interviews with leaders of the Iran Freedom Movement, visit [inthesetimes.com](http://inthesetimes.com).

# NUCLEAR NORTH KOREA

By Michelle Ciarrocca

**I**t's a diplomatic issue, not a military one," the Bush administration keeps telling the world. The go-slow, wait-and-see approach the United States is taking with North Korea's nuclear weapons program stands in stark contrast to its aggressive posture toward Iraq. While there may never be a one-size-fits-all approach to dealing with nuclear proliferation, the current crisis in North Korea demonstrates why diplomatic efforts will be far more effective in stopping the new nuclear danger than pre-emptive military strikes.

North Korea's announced intention to pull out of the Nuclear Non-Proliferation Treaty is only the most recent disturbing action taken by the regime of Kim Jong Il over the past few months. In meetings with U.S. officials in early October, North Korea admitted to secretly continuing its nuclear weapons development program. In January, Pyongyang ordered U.N. inspectors to leave the country and announced plans to reactivate the Yongbyon nuclear facility.

North Korea is thought to have enough weapons-grade plutonium to make one or two bombs. If its nuclear facilities are reactivated, North Korea could produce another five or six nuclear weapons in the next six months. Yet no high-level discussions have taken place between Washington and Pyongyang.

North Korean officials claim their actions are warranted because they are threatened by the United States. To some degree, they have a point. President Bush started his term by breaking off talks with North Korea, pending a full policy review. During that time, the Bush administration paired North Korea with Iraq and Iran in the "axis of evil" and put forward a new nuclear policy with severe implications for Pyongyang.

As part of its "Nuclear Posture Review," the Pentagon expanded the nuclear hit list to include a wide range of potential adversaries—not just North Korea, but Syria, Libya and Iraq—regardless of whether those nations possess nuclear weapons. The circumstances under which the use of nuclear weapons might be considered also expanded to include retaliation for a North Korean attack on South Korea, or simply as a response to "surprising military developments." The new Bush doctrine also sanctions the first-use of nuclear weapons to "dissuade adversaries from undertaking military programs or operations that could threaten U.S. interests or those of allies and friends."

North Korean officials continue to claim that their nuclear activities are for peaceful purposes. Other observers view the situation as a last-ditch effort by Kim Jong Il to force Washington to resume negotiations. North Korea wants engagement, secu-



rity guarantees and a normalization of relations. As Leon V. Sigal, author of *Disarming Strangers: Nuclear Diplomacy with North Korea*, notes: "Washington has to understand that Pyongyang is seeking an end to its hostile relationship with the United States. When Washington fails to reciprocate, Pyongyang retaliates."

At the end of President Clinton's term, North Korea agreed to extend a moratorium on new ballistic missile tests, began engagement with the South, and expressed a willingness to further restrict or eliminate its nuclear and ballistic missile programs as part of a 1994 Agreed Framework. Instead of picking up where the Clinton administration left off, the Bush administration spent almost two years ignoring and avoiding serious diplomatic initiatives with North Korea.

The Bush administration's hostile policy has infuriated South Korea, where a number of anti-American protests have been held in recent weeks. President-elect Roh Moo-hyun has urged Washington to continue dialogue and engagement with the North, and to include Seoul in future discussions. The large U.S. military presence is also an issue the new leader expects to take on when in office. Roh Moo-hyun has met with American military officials to discuss a reduction in the 37,000 U.S. troops stationed there.

At the urging of South Korea and other regional allies, Bush recently said that the United States has no hostile intent toward North Korea, and that the situation is "one that can be resolved peacefully, through diplomacy." For diplomacy to work, there must be a dialogue. The administration appears to have reluctantly acknowledged that threatening pre-emptive military action is a dangerous and limited tool for dealing with regimes seeking to develop nuclear weapons. A diplomatic solution will require getting international inspectors back in the country and negotiations with the United States back on track.

In early January, the International Atomic Energy Association adopted a resolution saying it would give North Korea one more chance to cooperate before referring the matter to the U.N. Security Council. On January 7, the United States, Japan and South Korea issued a joint statement urging North Korea to dismantle its nuclear weapons program. A statement from the U.S. delegation said, "The United States condemns in the strongest possible terms North Korea's pursuit of nuclear weapons in spite of its Non-Proliferation Treaty commitments."

However, the United States hasn't lived up to its own disarmament obligations under the treaty. At the May 2000 review conference on the Non-Proliferation Treaty, the United States and other nations with nuclear weapons pledged to make "an unequivocal undertaking to accomplish the total elimination" of their nuclear arsenals in exchange for the continued commitment of non-nuclear signatories to forswear the development of nuclear armaments. The inability of the United States to eliminate its own huge nuclear arsenal, coupled with its expansion of the role of nuclear weapons in U.S. security policy, is in clear violation of the treaty.



When Washington fails to reciprocate, Kim Jong Il retaliates.

Moreover, if the United States wants to take North Korea to task for its nuclear program, it should be pressing India, Pakistan and Israel to give up their nuclear weapons as well. Instead, Washington rewards those nations with arms sales and military assistance. If the United States expects North Korea to live up to its end of the bargain, the Bush administration must lead the way. ■

**Michelle Ciarrocca** is a senior research associate at the World Policy Institute in New York. She is co-author of the report "The Axis of Influence: Behind the Bush Administration's Missile Defense Revival" ([www.worldpolicy.org/projects/arms](http://www.worldpolicy.org/projects/arms)).

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# THE REAL CLASS WAR

BUSH'S NEW TAX PLAN IS A **BLATANT**  
**GIVEAWAY** TO THE VERY RICH

BY DAVID MOBERG

**I**n 1978, after the nation's biggest corporations had ganged up to defeat a moderate, pro-union labor law reform bill, then United Auto Workers President Douglas Fraser complained about a "one-sided class war" being waged against workers in the United States. In the past quarter-century, that war has only intensified.

That's what makes President Bush's recent comments particularly galling. Seeking to discredit his opponents as closet Reds from the start, Bush warned that the opposition would wage distasteful "class warfare" against his new tax cut plan for the rich—sorry, that's the "Growth and Jobs Plan to Strengthen the American Economy."

His statements deflected attention from the real class war being waged by the tag team of big business and hard-right conservatives. Despite their minor policy differences, they have been united for decades on a campaign to shift income from poor and working people to the wealthy, under such guises as "competitiveness" or devolution of the federal government.

That may be harder to do this time. Under the banner of boosting the economy and helping the unemployed, the latest Bush initiative—especially when combined with other tax cuts waiting in the wings—is a blatant giveaway to the very rich. As long-term public policy, it is fundamentally wrong-headed, ignoring real needs for sustained economic health. It will also be very costly in ways that ultimately will be paid for by cutting useful government programs—especially those that help the less fortunate.

But to Bush and the people around him, these are meaningless objections. They care only about serving the interests of the rich, whatever the consequences. As an administration that has raised cold cynical deceit to new levels of strategic importance, they seem unconcerned about whether their policies deliver what they promise.

**A**ll the policy talk is political packaging to delude middle-class voters and the media. But after years of failing to fight effectively, and often even joining the anti-government, pro-rich juggernaut as a junior partner, the Democrats will have a hard time making the class war two-sided, even if they want to do so.

The House Democratic leadership did at least offer a modest, reasonable stimulus plan that would have quickly delivered money to the people who need it most (and who would be most likely to spend it), thus spurring the economy without creating long-term revenue losses and budget deficits. Their plan would have expanded unemployment insurance beyond the needed but narrow extension that passed Congress early in January. It also would have provided \$300 to every working person.

The Democratic plan implicitly recognizes that states now face deficits of at least \$60 billion in the next fiscal year. Because they must balance their budgets, states have already been cutting spending for public education, universities, Medicaid, corrections and a broad range of social services, while laying off workers. The Democrats would offer financial help for states on programs like Medicaid and Homeland Security.

Although stimulus programs proposed by the AFL-CIO and the Economic Policy Institute would go further (more money for refunds and public spending, higher minimum wage), the Democratic plan at least recognizes that the economy is not out of the woods. Indeed, the specter of double-dip recession and spiraling deflation still looms, despite the administration's happy talk about recovery.

Bush's plan costs \$674 billion over 10 years (and more like \$900 billion once interest on increased debt is included) and offers nothing to the states. It accelerates the 2001 tax cuts that provided small middle-income taxpayer benefits but were heavily skewed to the rich. Worst, the bulk of the cost—\$364 billion—

comes from eliminating taxes on stock dividends. Politically, many may be bamboozled by the Bush rhetoric; economically, very few will benefit.

Republicans calculate that a new majority "investor class" will rally to their elimination of "double taxation" of dividends (first as corporate profits, then as investor income). But while more than half of Americans own some stock, only a third own more than \$5,000 worth. Also, most of these "investors" hold stock indirectly, in pensions or mutual funds, that are already tax-free (except when they're paid out in retirement, when they will still be taxed under Bush's plan). The wealthiest 10 percent of the population owns 85 percent of the taxable stocks and mutual funds (and the top 1 percent owns 49 percent), according to New York University professor Edward Wolff.

What about that horrible "double taxation"? It's an illusory issue. Consider the average wage-earner whose paycheck has deductions for both income taxes and Social Security/Medicare—and who then pays sales taxes on nearly every purchase on top of property taxes. Is that "quadruple taxation"?

In any case, as Dean Baker of the Center for Economic and Policy Research argues, corporations are legally distinct entities from shareholders, and there are privileges and economic benefits that justify separate taxation. Furthermore, according to Citizens for Tax Justice, just over half of corporate profits were taxed in 2002, as corporate income taxes declined to only 1.5 percent of the gross domestic product, probably the lowest level of all advanced industrial countries.

**B**ut the chutzpah-of-the-year award goes to Bush administration officials floating the idea that the big problem with America is that the poor don't pay enough taxes, and the rich pay too much.

First of all, the United States is a low-tax country—ranking 27th out of 30 in total taxes among the relatively rich countries in the Organization for Economic Cooperation and Development. Second, overall federal taxation, including Social Security, is only moderately progressive and getting less so. By 2010, according to Citizens for Tax Justice, even before the new tax cuts, the top 1 percent will receive 19 percent of all income but pay only 24 percent of federal taxes. Third, the burden of government has shifted back on states and localities, whose taxes are very regressive. A recent study by the Institute on Taxation and Economic Policy showed that on average, after accounting for federal offsets, the richest 1 percent pay only 5.2 percent of their income on state and local taxes. A middle-income household pays 9.6 percent, and the poorest-fifth of all families pays 11.4 percent.

Meanwhile, the richest 1 percent—with an average annual income of more than \$1 million—already will get a half-trillion dollars over 10 years out of Bush's \$1.3 trillion tax cut in 2001, an average of \$342,000 each, according to Citizens for Tax Justice. As their breaks fully kick in, that 1 percent will be getting 52 percent of the tax cuts. By accelerating this change in Bush's new plan, the rich will get more sooner.

Despite the grotesquely misleading administration claim that 92 million taxpayers would receive \$1,083 "on average" in 2003,

here's the real story from Citizens for Tax Justice: The top 1 percent will get more than \$30,000 each on average; a family at the median income level will get about \$289; and a family in the bottom fifth, making an average income of \$9,900 a year, will gain a big fat \$6.

The real point of the plan, of course, is to bring about this redistribution. The second aim is to further shrink government. Running a deficit now makes economic sense. The deficit would make more sense if tax cuts or refunds were to go to low- and middle-income families rather than the wealthy. And

since much of the stimulus from consumer spending dribbles away to other countries through the huge trade deficit, it would be smarter to boost immediate government spending (in addition to the benefits of forestalling cutbacks at state and local levels).

But the long-term deficit that Bush would create is another matter. While the economics debate is far from settled, there's a good chance that long-term deficits will raise interest rates slightly, increasing costs to government and dampening economic growth. Elimination of the taxation of dividends almost certainly will raise interest rates on tax-free state and municipal bonds, costing states more than \$4 billion a year, according to the Center on Budget and Policy Priorities.

If the money creating a deficit were spent on research, education, infrastructure and other productivity-enhancing investments rather than giveaways to the rich, longer-term deficits might be less of a problem. But the right learned a valuable lesson from Reagan's deficits. Down the road, they can point to the deficits as a reason to chop away at government. Since the most vulnerable targets will be programs that help poor or working people, the Bush tax cuts will then become doubly regressive and unjust.

Apologists often try to defend the Bush plan by claiming it will boost investment in the long term. But the problem with the economy now is overcapacity, and during the recent boom businesses had little problem raising capital. The long-term economic benefits, if any, will be swamped by negative social and economic consequences, and the same amount of money would be





better spent—even from a purely economic perspective—on health care, education, environmental protection, increased energy efficiency and a wide range of other government policies.

More fundamentally, the debate on taxes and government must be shifted. As legal philosophers Liam Murphy and Thomas Nagel argue in their recent book *The Myth of Ownership*, the money that any of us earns, whether as factory worker, corporate executive or investor, reflects not just our own work, but a long history of public investment, regulation and even taxation. The public has a claim on part of that money not only because of their contribution to private wealth, but because the public needs the

money to create the kind of society we want in the future.

That is also the message of a compelling new book—*Wealth and Our Commonwealth*—by William H. Gates Sr. (Bill's dad) and Chuck Collins attacking the repeal of the estate tax, which Bush still hopes to make permanent. Rich people owe much of their great fortune to the society in which they live, they argue, and creation of greater inequality and perpetuation of even larger inherited fortunes is a threat to American ideals of democracy.

In the end, Bush isn't just waging war against the working and middle class on behalf of the rich. He's waging war against America. Where's the Homeland Security when we need it? ■

# BUSH'S ATTACK ON OLDER WORKERS

BY REP. BERNIE SANDERS

**P**resident Bush may or may not go to war against Iraq, but we do know that he has already declared war against the economic well-being of the middle class and working families of this country.

While he cuts back on Medicare and the needs of veterans, he wants even more tax breaks for the very richest people in this country. While he pushes efforts to privatize Social Security, there is no attempt to raise the minimum wage above its paltry \$5.15 an hour. While he expands disastrous trade policies that have already cost us millions of decent-paying manufacturing jobs, he is proposing to slash the pay and benefits of federal employees through a massive and dangerous outsourcing scheme. While our health care system disintegrates and prescription drug costs soar, his administration proposes legislation written by and for the pharmaceutical industry.

And now, in the midst of all this, there is a new economic assault being waged by the Bush administration against older American workers. The White House has recently proposed IRS regulations that would allow corporations to undertake a major raid on the pension benefits that older workers have accumulated. These new proposals, if adopted, would allow companies to avoid federal anti-age-discrimination laws and convert traditional defined-benefit pension plans into "cash-balance" plans. Under the Bush proposal, the promises made to older workers about pension plans that increase retirement benefits based on longevity would be under-

mined. While corporations would save billions in pension expenditures, some 8 million older workers could see their benefits reduced by 30 to 50 percent.

Cash-balance payment plans have rightfully been condemned by a variety of groups—including the AARP, the Pension Rights Center and the AFL-CIO—because they target the benefits of older workers in violation of current federal law. The Equal Employment Opportunity Commission (EEOC) has received more than 800 complaints related to cash-balance conversions. And since September 1999, the IRS has withheld approval of these plans because of concern about their age-discriminatory effect. Now, however, the Bush administration wants to allow these conversions.

**E**nter John W. Snow, President Bush's nominee for treasury secretary. Snow would be the most important pension policy-maker in the country. Will he stand up for the pensions of millions of Americans, or will he continue the administration's green-lighting of corporate America's pension raids?

If Snow's conduct as CEO of CSX Corporation is any indication, employees across the nation should be very concerned about their long-term financial security. Under his leadership, CSX cut the retiree health-benefit package for most of its employees while Snow benefited from an outrageously inflated pension scheme.

According to published reports, Snow is receiving a \$2.47 million per year retirement benefit for life. This amount was calculated through gimmicks that give him credit for working 44 years—when he really only

worked 25 years—and by factoring in stock benefits he received as regular income (instead of just salary, as is common practice). At the same time, CSX is cutting the health benefits of its future retirees. If these are the types of policies that will serve as a road map for how he would handle pension policy, then Snow's fitness to be treasury secretary must be called into question.

American employees don't need the fox guarding the hen house. To show he deserves to be confirmed, Snow needs to distance himself from the corporate excesses that have cost investors and employees of major American companies billions of dollars—excesses that include his own exorbitant retirement deal at CSX.

An important and necessary first step would be a commitment on his part to withdraw the proposed IRS regulations that would allow companies to get tax-favored status for their age-discriminatory cash-balance plans. This would at least signify a recognition on his part that American workers are suffering as a result of unfair and illegal pension cuts that take place when companies convert to cash-balance plans.

If Snow does not take even this small step, it will be clear that he cannot provide the leadership the nation's economy and working families so desperately need. In that case, given Snow's own questionable conduct as CEO of CSX, the Senate should refuse to confirm him as treasury secretary. ■

**Bernie Sanders** represents Vermont as an at-large member of the House of Representatives, where he has served since 1991.

# All About Saddam

By James North

**S**hould the United States go to war with Iraq—and if so, how? The 38 contributors to the important and comprehensive *Saddam Hussein Reader* provide a wealth of knowledge about the Iraqi regime, knowledge that is vital unless you are either a pacifist, or

**The Saddam Hussein Reader:  
Selections from Leading  
Writers on Iraq**  
Edited by Turi Munthe  
Thunder's Mouth Press  
\$56 pages, \$17.95

someone who believes the United States should never intervene anywhere. These are both honorable positions, but few of us hold them—most on the left, for instance, would have endorsed military force in 1994 to slow the genocide in Rwanda, even if America had gone it alone.

So the nature of the Iraqi regime, its threat to its own people and its neighbors, whether it has weapons of mass destruction, whether it might use them, how many of its people would defend it and how vigorously—all are burning questions. And some humility is in order, because the rest of the world has been repeatedly wrong about Iraq. The Western governments, arms dealers and oil companies that looked the other way in the '80s when the regime used poison gas against both Iran and its own citizens never expected Saddam to invade Kuwait in 1990 and threaten the global energy supply.

Likewise, those of us who supported the economic sanctions that followed Iraq's defeat in 1991 never thought that a peaceful but firm strategy that had helped bring down the apartheid regime in South Africa would paradoxically strengthen Saddam and his ruling elite. Nor did we think sanctions would raise infant mortality rates among ordinary, innocent Iraqis to shocking levels.

This book includes many useful reminders that Saddam is far worse than just another Third World authoritarian. Various contributors show how he used Iraq's tremendous oil earnings in the '70s

and '80s to construct a disgusting cult of personality, enforced by a police state that relies on hundreds of thousands of informers. Robert Fisk, the great British journalist who is no friend of U.S. foreign policy, recounts terrible Iraqi war crimes during its occupation of Kuwait. He learns about a 19-year-old Kuwaiti woman who was arrested; "then the Iraqis hanged her and dumped her body outside her home. There were burns from electricity on her arms and legs."

Such state terror makes it impossible to gauge what the

**"If you ask any person in the world whether he would like to possess a nuclear bomb, he will tell you that he would."  
—Saddam Hussein**

Iraqi people really feel, and what will happen if the U.S. invades. In fact, Iraqis themselves may not even know until the last minute how they will react to conflicting pressures: their fear of the Saddam regime and their hatred of it, or their patriotic loyalty—in spite of Saddam—to their tribe, region or country, and their resentment toward America for their poverty and their sick and dying children.

**S**addam unquestionably still wants weapons of mass destruction; a couple of contributors point out that he, and other



Iraqis, believes that their poison gas and missiles saved them from defeat in the 1980-1988 Iran-Iraq war, and also deterred the U.S.-led coalition from pushing on to Baghdad in 1991. (In one of Saddam's own contributions to this book, he makes a jaw-dropping observation to one interviewer: "If you ask any person in the world whether he would like to possess a nuclear bomb, he will tell you that he would.")

Throughout most of the '90s, the U.N. inspections did seem to be working, although Saddam successfully hid some of his weapons projects, including the VX nerve agent and a missile program, until his own two sons-in-law defected in 1995. But he skillfully stalled the inspectors, split the United States from other powers on the U.N. Security Council, and succeeded in suspending the inspections in 1998.

Their resumption will certainly have pleased one of the most persuasive contributors to this collection, Michael Isherwood, who is of all things a lieutenant colonel in the U.S. Air Force. Isherwood's thoughtful article surveys a range of policy options up to full-scale war, but ends up recommending the mildest and most patient. He says the world should renew inspections, end the sweeping economic sanctions that hurt the Iraqi people, and replace them with "smart" sanctions that narrowly target weapons of mass destruction.

Isherwood's policy of patience is not perfect. But it does seem to address the most pressing need—to protect other

countries from nuclear, germ or poison gas attack—while avoiding a war that will kill Iraqi children and civilians and soldiers on both sides, and that will make Saddam even more likely to use whatever weapons he may have hidden.

Critics of the administration do need to recognize that its aggressiveness is the main reason the inspectors are back in Iraq. But the threat of war is called deterrence; it is not the same as war itself. Isherwood's reasonable approach, which seems typical of the American military and of people with expertise in the region, contrasts with the small but influential band of ideologues, such as Richard Perle and Paul Wolfowitz, who continue to push for war despite the return of the inspectors. "Few of them," points out Joshua Micah Marshall in a valuable contribution, "have any serious knowledge of the Arab world, the Middle East, or Islam. Fewer still have served in the armed forces."

This fanatical group, which is allied with Vice President Dick Cheney and Defense Secretary Donald Rumsfeld, argues that the United States can invade Iraq and easily install a democratic government, which will in turn trigger other regime changes across the Arab and Muslim world. They call themselves neo-conservatives, but they are in fact dangerous, messianic imperialists, whose crackpot certainties have only been taken seriously in the confusion and fear following the 9/11 attacks.

One proof of their madness is their enthusiastic support for the intransigent Israeli leader Ariel Sharon and his right-wing Likud Party. Nearly anyone who has spent more than a week in the Middle East

recognizes that hostility toward the United States in the region will continue to rise unless there is progress toward genuine independence for the Palestinians—which will never happen with Sharon in power.

**A**nthony Zinni, the retired Marine general turned diplomat, is another intelligent military man (who is unfortunately not represented in this collection). He was part of the first U.S. contingent to go ashore in Somalia in 1992. "We were greeted as heroes on the street," he told the Middle East Institute last October. "People loved to see us; when the food was handed out, the water was given, the medicines were applied, we were heroes."

But not for long. "The initial euphoria can wear off," Zinni continued. "People have the idea that Jeffersonian democracy, entrepreneurial economics and all these great things are going to come. If they are not delivered immediately, do not seem to be on the rise, and worse yet, if the situation begins to deteriorate—if there is tribal revenge, factional splitting, still violent elements in the country ... it's not whether you're greeted in the streets as a hero; it's whether you're still greeted as a hero when you come back a year from now."

In October 1993, not even a year after Zinni had landed, 18 American soldiers and more than 500 Somalis paid with their lives after the misunderstandings grew, accompanied by American blundering and arrogance, and terrible fighting broke out in the streets of Mogadishu.

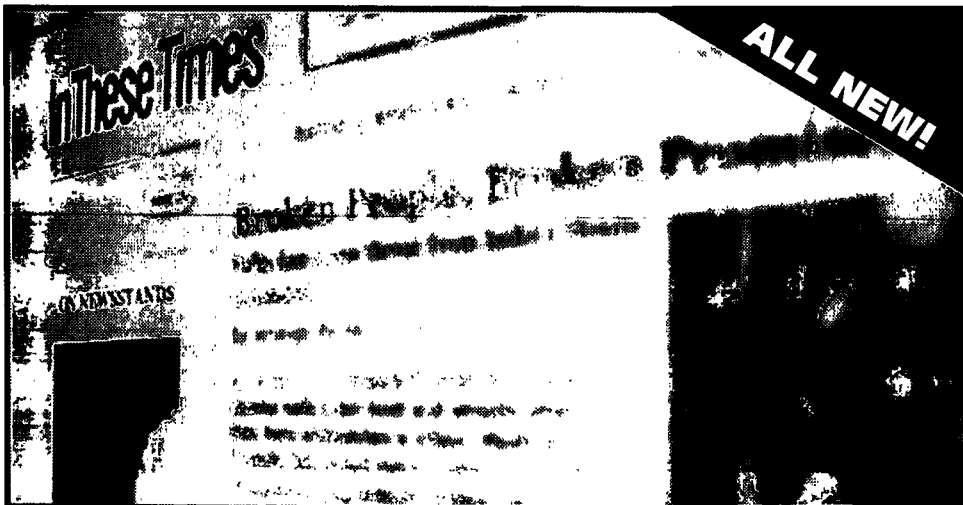
Even if the United States does invade Iraq, and even if it wins a swift "victory," the emerging antiwar movement has a vital contribution to make. We must demand

that the world press have access to the conflict, which would be a sharp change from Pentagon censorship during the first Gulf War. Iraq must be flooded with journalists from everywhere, using the Internet, the alternative media, the Arab-language Al-Jazeera television network and more. A recently leaked U.N. report estimated that if war comes as many as 500,000 Iraqis could be injured and require medical treatment. To the true believers in Washington, these figures are only bothersome abstractions. But informed and vigilant mass movements here and elsewhere may be able to at least limit civilian casualties and human rights violations.

As Zinni warns, the fighting may not end right away. But even if a sullen "peace" starts to emerge, the new imperialists have grand designs; they will want to appoint an American proconsul to rule the country, along with unrepresentative local puppets; they will get their hands on Iraq's oil; they will make belligerent noises toward Iran, Syria and other neighboring countries.

More than just the future of Iraq may hang in the balance. An important precedent could be set here. Will the world community deal with a genuine danger like Saddam Hussein as peaceably as possible, with respect for human rights and the genuine wishes of the people of Iraq? Or will the Bush clique try to turn Iraq into a U.S. colony, provoking violence there and elsewhere to even higher levels? ■

**James North** ([jamesnorth@mail.com](mailto:jamesnorth@mail.com)) has reported from Africa, Asia, Latin America and the Middle East for more than 25 years. He lives in New York City.



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# Truth and Consequences

By Joshua Rothkopf

**S**pike Lee's latest—his 20th feature including TV work—is at long last the raging masterpiece many have suspected him capable of. *25th Hour* eclipses everything he's done before, including *Do the Right Thing*, in terms of its insight into the violence wrecking the boroughs and,

**25th Hour**  
Directed by Spike Lee

provocatively, the skyline of his beloved city. (It delivers on the hopes held for Scorsese's *Gangs of New York*—a crucible of ample heat but little light.) One doesn't arrive at filmmaking of this caliber, a modern tale of crime, punishment and the new terror from above, from years of playing it safe: Lee's hotheadedness has finally matured into a kind of mournful resiliency that no other American director can touch.

To describe the movie as a story about a convicted drug dealer's last day of freedom is both completely accurate and utterly insufficient; it may nonetheless be the best way to start. Monty Brogan (Edward Norton, never as fierce with such gravity) walks his dog along the East River; a deceptive prologue sets him up as a savior to this animal, but it's soon obvious he has little love for anything else. A ravaged junkie approaches him for a score, only to be rudely dismissed by his devil god: "I got touched—I'm over."

It's not exactly a confession; Monty spits out the words like he's got all the time in world. He visits his old high school, his father's bar. Later that night, his false friends gather in a nightclub to raise a bitter glass and privately tear themselves apart for not saving Monty from himself.

Such are the events of David Benioff's tight little novel, first published in January 2001 and written in the casually caustic, hypervocal style so immediately associ-

ated with New York's mean streets. On the page, it seems a perfect if slightly unadventurous fit for Lee—another *Clockers* or *Summer of Sam*. But something new has been injected into the film version (adapted by Benioff himself); you can see it in the American flags dotting the brownstones and Lee's breathtaking title sequence, the twin shafts of blue light extending into the night sky. (The wailing vocalist on Terence Blanchard's score expresses almost unspeakable sorrow.) The city has changed for firefighters and drug dealers alike. And if redemption was never

fate in a downtown apartment overlooking ghostly Ground Zero. Lee holds on the shot as they discuss consequences, inevitabilities, their own inability to confront the truth. But Lee is too smart to simply imply that America, like Monty, had it coming; the gaping hole behind them is not Monty's impending jail time, it's Monty himself—a hole hollowed out by hate with nothing left behind but tracks.

This is dangerous, uncharted ground; can it be that Lee was born to take the first stab? The script gives Monty a bilious monologue, an instant classic: Boring into a

bathroom mirror, he swears at the whole of New York—the Korean grocers, the uppity Wall Streeters, the hot-shit blacks who never pass the ball on the court. It's amazing to me how thoroughly this montage is being misinterpreted by critics as an ironic love letter to the city; it's really just as vitriolic as any that bin Laden might spew. Contempt is a daring idea to build a character around, much less a whole movie, and you thrill to Norton's hyperactive rant, his attitude. But crucially, Monty never regrets dealing, only getting caught; he's still a bastard. And Lee's shift of sympathies to those suffering around Monty is complete.

*25th Hour* comes to rest on a heartbreaking coda—

Monty's Irish father (Brian Cox) desperately dreaming an alternate future for his ruined son, a daring escape into anonymity and reinvention on the lam. It's both a heavenly fantasy and a joke. He could never live in Texas; he's a New Yorker, a drug dealer, a hater. So he goes to jail, just as the work continues at Ground Zero and the city slowly rebuilds. And New York, in all its brutal honesty, will continue to be hated by those who envy its forthrightness. Miss this film at your own risk—you will not hear these ideas from the people in charge. ■

Joshua Rothkopf can be reached at [rothkopf@inthesetimes.com](mailto:rothkopf@inthesetimes.com).



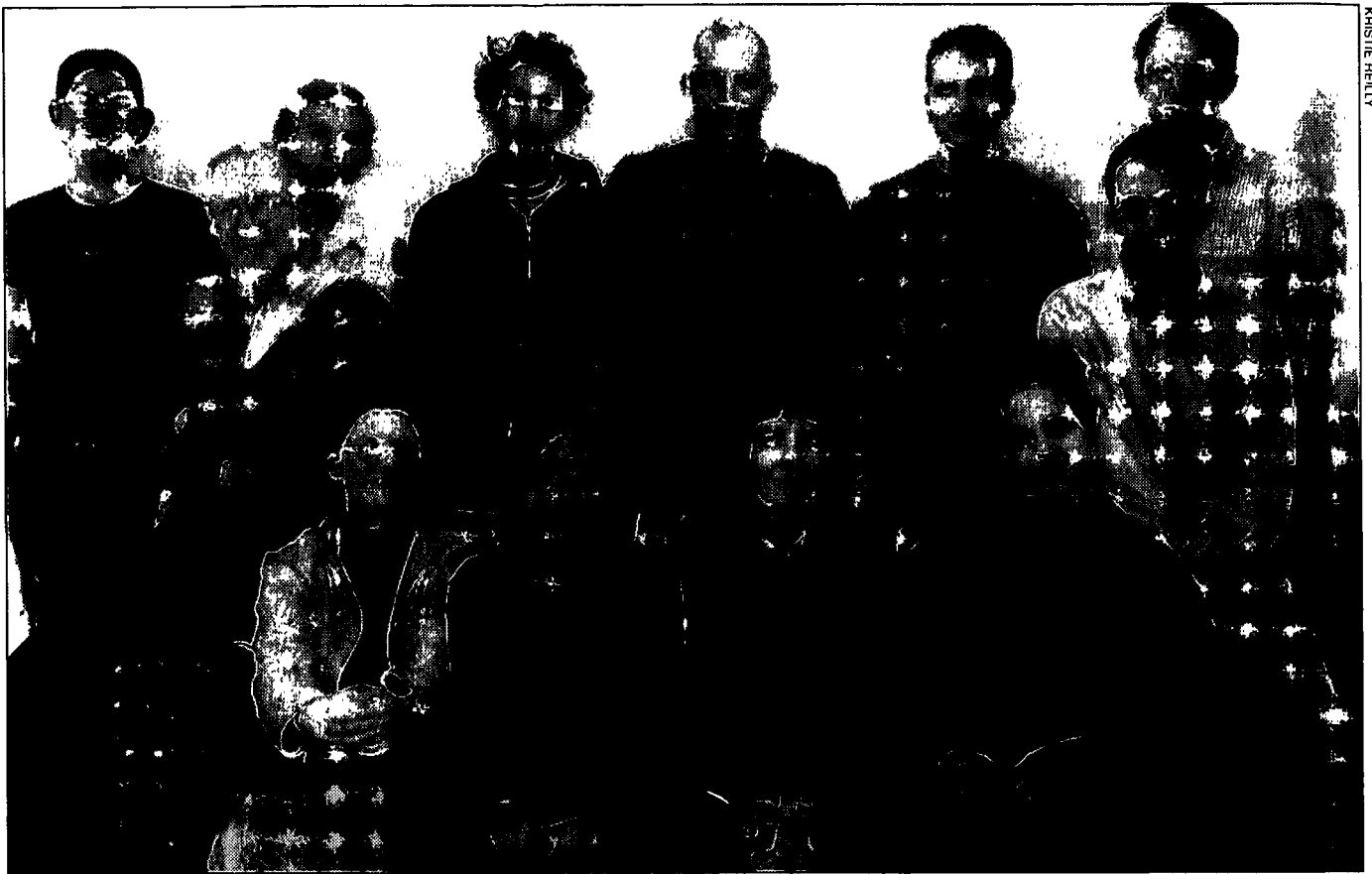
"Champagne for my real friends, real pain for my sham friends": Barry Pepper, Edward Norton and Philip Seymour Hoffman.

an option for Monty, going out in his unrepentant blaze, Lee now elevates the drama to high political tragedy.

**S**eptember 11 is a subject that demands the attention of our greatest filmmakers, especially the New Yorkers—frankly, I expect it of them. But I won't be surprised if their "answers" are less audacious than those of *25th Hour*, which suggest both complicity and helplessness in the face of irrational hatred. One quietly devastating scene has two of Monty's oldest friends, a shy private school teacher (Philip Seymour Hoffman) and a reptilian stockbroker (the revelatory Barry Pepper) arguing about his

TOUCHSTONE PICTURES

# Anniversary Greetings



KRISTIE REILLY

The *In These Times* staff. Top row (left to right): Jessica White, David Moberg, Brian O'Grady, Aaron Sarver, Joel Bleifuss, Craig Aaron, Seamus Holman, Joe Knowles. Bottom row: Stacia Falat, Naureen Shah, Emily Udell, Jessica Clark. (Not pictured: Pat Aufderheide, Brian Cook, Peter Hoyt, Alan Kimmel, Terry LaBan, Rebecca Manski, Salim Muwakkil, Kristie Reilly, Jim Rinnert, Norm Wishner, James Weinstein).

## Continued from inside cover

**I**n *These Times* survived a quarter-century thanks to support from readers and significant contributions from its former publishers. Today, however, *In These Times* has a publisher, me, who is not independently wealthy.

To get away from the dependence on the personal fortune of one person, *In These Times* has established the *In These Times* Publishing Consortium, a group of people, listed on our masthead, who will, in effect, guarantee the magazine's financial solvency. This consortium, along with the board of directors of the Institute for Public Affairs, will hold the magazine

as a public trust—acting as a publishing collective, in a sense—and thus put the magazine on more stable financial footing.

With continued financial backing from the *In These Times* Publishing Consortium, the 1,000-plus readers who contribute to the magazine beyond the cost of their subscriptions (some of whom are listed on the following pages) and the freelance writers and artists who work for very little or no money (listed on page 30), *In These Times* will make it through the next year.

The Bush administration isn't going away anytime soon. *In These Times* doesn't plan to either.

—Joel Bleifuss

*In These Times* honors the memory of Josephine Willard, a longtime reader and supporter. A bequest from her to the magazine will be devoted, for the most part, to paying down the outstanding debt to our writers and artists.

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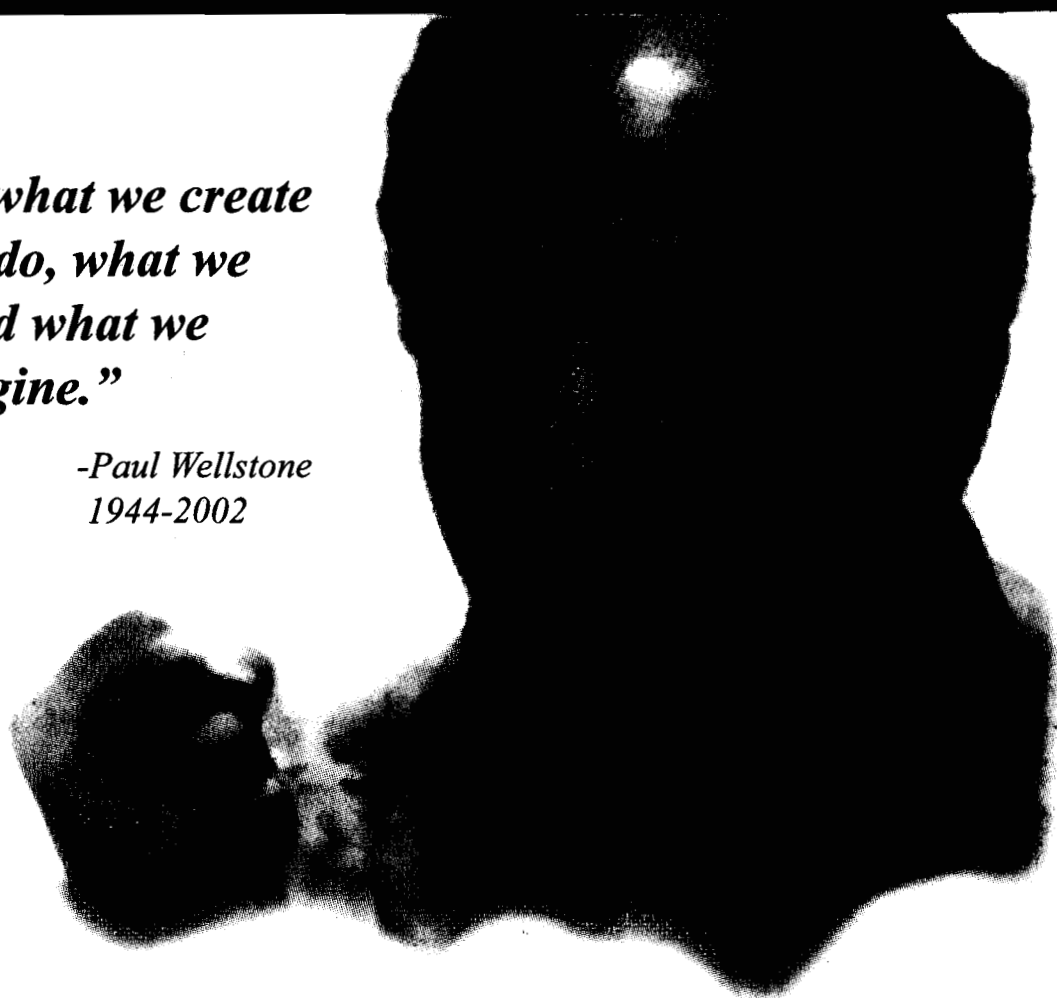
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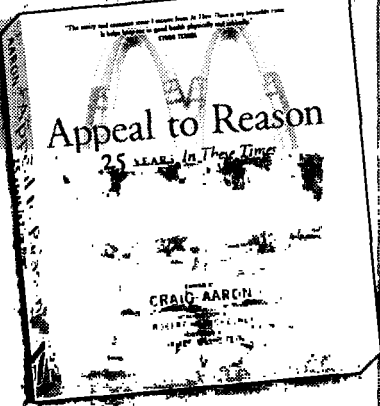
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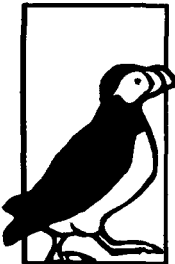
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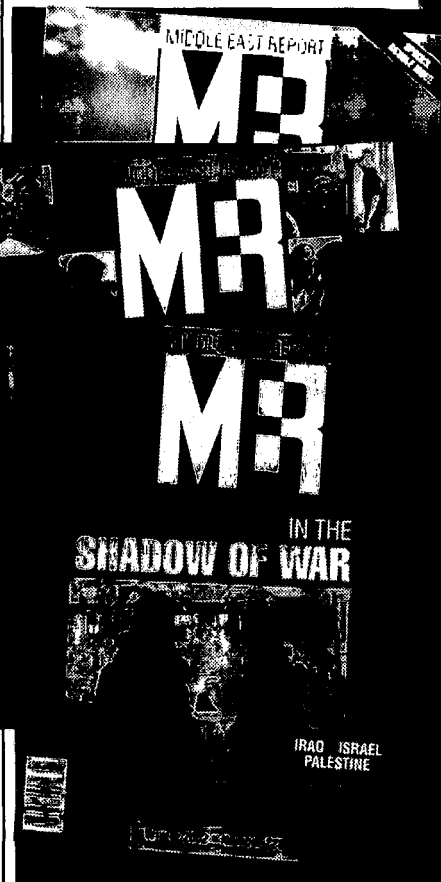
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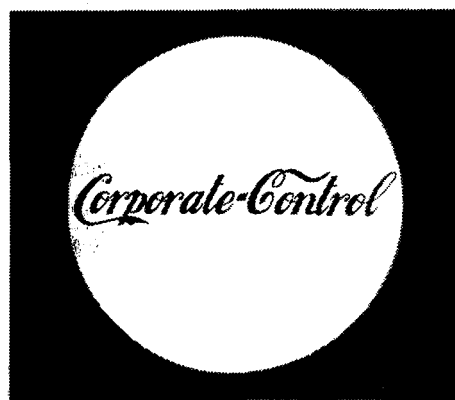
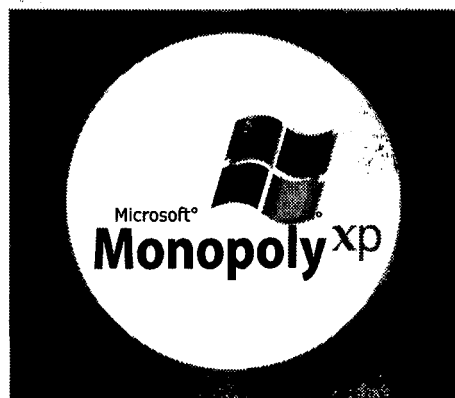
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# illegal art

freedom of expression in the corporate age



**C**ould we get sued? That was my first reaction when I read a recent *New York Times* report on *Illegal Art: Freedom of Expression in the Corporate Age*, the art exhibit coming to the *In These Times* offices. Law professor Edward Samuels claims that “half the exhibition is in violation” of copyright law. Paul McCartney’s spokesman, meanwhile, suggests that the show’s organizers are akin to media pirates. I could already envision the cease-and-desist letters, the harassment, the headaches ... in a word, I was chilled.

Organized by *Stay Free!* magazine, the show opened in New York in November; it examines visual, video and audio art that lives on the fringes of intellectual property law. The legal battles surrounding these pieces—the “degenerate art” of our times—illuminate current struggles in copyright, trademark and patent regulation. Bringing these works of art together for the public to see and hear serves an important educational purpose—one that’s protected under “fair use” provisions in the law.

The scare tactics against fair use are central to the dynamics that *Illegal Art* explores. Artists who dare to “sample” images, sounds and words from the torrent of what passes for our public life, and who dare to re-present them in critical contexts without paying exorbitant licensing fees, are labeled “thieves” or “pirates.” The symbols and characters that permeate Americans’ mental environment are presented to us as trusted friends, but when commentators dare to engage with these friends directly, they revert to the status of “property.”

*Stay Free!* and *In These Times* share a concern about the encroachment of corporate ideas, interests and images on everyday life. Carrie McLaren, editor and publisher of *Stay Free!* and curator of the *Illegal Art* exhibit, puts it this way: “The stakes in the copyright wars are enormous, for the content industries and for their critics. ... The U.S. doesn’t manufacture *things* anymore; it manufactures brands, images and perceptions—that’s where the money is. So for those of us in the trenches, guaranteeing open access to cultural material isn’t going to be easy.”

The growth of copyright controls reflects a general trend toward privatizing resources that were once open for all to use. Regulation of the physical commons—from lakes and rivers to the electromagnetic spectrum—against the abuse of private power is needed for the public good. But in the world of ideas and content, our “creative commons” need less regulation, not more.

The aggressive expansion of intellectual property control threatens researchers’ ability to “quote” digitized materials, archivists’ efforts to preserve works whose owners can’t be identified, scientists’ vital tradition of exchanging valuable findings, and innovators’ chances to build on the creativity of their peers. Combining, appropriating and reinterpreting has long been accepted as legitimate practice in all the arts, from Shakespeare to Picasso—both of whom would be sued many times over if they lived and worked today.

The works in the *Illegal Art* show are canaries in the coal mine of our public culture. Should they expire under the pressures of copyright expansion or be given space to breathe?

—Jessica Clark

# An Uphill Battle

**Lawrence Lessig** explains how the corporate obsession with intellectual property threatens our scientific and creative future

By Jessica Clark

*Stanford Law School professor Lawrence Lessig is the nation's leading advocate for intellectual property law reform. Lessig, the author of *The Future of Ideas* and *Code and Other Laws of Cyberspace*, also chairs the Creative Commons project ([creativecommons.org](http://creativecommons.org)), which in December introduced an alternative set of copyright licenses to allow creators to set their own terms for sharing their work. He was named one of Scientific American's Top 50 Visionaries in 2002 for arguing "against interpretations of copyright that could stifle innovation and discourse online."*

*In October, he represented online publisher Eric Eldred before the Supreme Court in the ground-breaking case *Eldred v. Ashcroft*, a challenge to the 1998 Sonny Bono Copyright Term Extension Act. As *In These Times* went to press, the court ruled 7-2 in favor of upholding the act, which Lessig had argued contradicted the Constitution's original definition of copyright for "limited times."*

*"When the Free Software Foundation, Intel, Phyllis Schlafly, Milton Friedman, Ronald Coase, Kenneth Arrow, Brewster Kahle, and hundreds of creators and innovators all stand on one side saying, 'this makes no sense,' then it makes no sense," Lessig commented on his blog immediately after the ruling. "Let that be enough to move people to do something about it. Our courts will not."*

*In *In These Times* spoke with Lessig shortly before the court's decision.*

**In *The Future of Ideas*, you suggest that the struggles over copyright legislation do not fall into the typical camps of left vs. right, but are instead a battle between old industries and new innovators. What is the common interest or vision that you think activists from different sides of the political spectrum should be fighting for?**

I guess there's a common purpose between left and right here; it doesn't follow that the reasons are the same.

People on the left rightly are concerned about restrictions on free speech and expression that come from overly expansive intellectual property regimes, making it



very hard for new artists or artists out of the mainstream to produce and distribute their art.

I think people on the right are concerned with restrictions on the ability to innovate in a commercial context, especially when those restrictions are produced by government being used to benefit special interests against the interest of the public as a whole.

So both sides have a reason to resist what's happening, even though their motives might be different.

**How do the concerns about the shrinking public domain and the privatization of the Internet affect people whose everyday struggles—for food, housing, decent employment—are more basic ... people who are on the other side of the "digital divide"?**

In my view these issues are important, but starvation and war and basic human rights are certainly more important issues. I guess what motivates me here is that there's such a fundamental opportunity for a wide range of creativity and empowerment that we're losing because of classic interference by special interests and powerful companies. Where we

have so many people on the right side of the issue, we should take it and do something good with it.

**The Creative Commons is working on a Conservancy project that will allow creators to donate their works into the public domain. Why would artists, writers or scientists choose to donate their works?**

Our first focus is going to be on enterprises that want to develop standards or protocols for other people to use, but that they don't themselves want to control.

Here's the general idea: There's a technology called Java out there. The idea of Java was you'd be able to write a program for one platform, like the Linux platform or the Windows platform, and then it could run on any number of different platforms. So there'd be a strong desire for people to write for Java because it would lower the cost of programming.

When Sun Microsystems released Java and promised it would have this cross-platform compatibility, it faced a standard dilemma: On the one hand, if it just released Java into the public domain, then what particular companies might do is embrace and extend Java in ways that polluted the objective of the common platform, but benefited one platform like Windows or Macintosh or whatever. So it feared giving the content away.

On the other hand, if it just keeps the copyrights and everything for itself as a corporation, then what people are constantly afraid of is that, down the road, the company will impose something like a "Java tax," meaning at a certain stage they'll decide that it's important for them to ...

**... charge everyone who uses it in their system?**

Yes, so they will be able to extract the benefit of the whole world using Java at that stage. And that could have an effect of leading people away from using Java.

That's the thing that we think we're able to solve with something like the Conservancy, because if you give us the intellectual property, we'll protect it against being abused by others. We would make the content available under an appropriate license to keep people from polluting it—but also no one would fear that we would impose something like a Java tax, because we're a nonprofit that would not be permitted to do that.

That's one part. Then there's a group of people who we expect, for the same reason that people give money to land trusts, will just have a desire to help fuel the public domain—people like Tim O'Reilly of O'Reilly Press, which has donated a significant chunk of its stuff under the Founders Copyright [a voluntary copyright of 14 years], are expressing a view that copyright doesn't serve a useful function after so many years. And when that's true, then they ought to make the material available to others.

What we're discovering is that there are lots of both altruistic and self-motivated reasons why people would want to be supporting work entering into a public domain or into a commons, and we're just trying to enable them to do that. We're eager to find generous sorts who want to support it through altruism, but also we're realistic that the greatest works in the world are not necessarily altruistic.

**There was an assumption with the early Internet that if you provide users with enough free content, they'll become engaged with that content and it will gain value. Has that concept been discredited to some extent?**

No, I think that's a critical lesson of what the Internet did. The way I would put it is that people think about a commons typically as threatened by what's called the "tragedy of the commons," which is too many people exploiting the resource with the consequence that the resource becomes depleted.

The tragedy of the commons, though, only can happen with resources that are what economists call "rivalrous"—meaning when you use the resource, I can't. With resources that are not rivalrous—like ideas—the fact that I used the resource does not interfere in any way with your ability to use the resource, and instead of there being a tragedy of the commons, there can actually be something like the comedy of the commons.

**An October *Wired* article mentioned that you've called for a "million bit march" on Washington. What might that look like?**

There's a lot of activism around these issues, and that activism has grown from just a bunch of geeks, to a bunch of people who are quite strongly connected to the artistic and music and film industries, to people who are very eager to support growth in technology. All of these people have a strong interest in advancing freedoms of creativity and innovation in the context of the Internet.

And so what we imagine is that, using the Internet, we can create enough political speech out there that the politicians need to begin to pay attention.

**Do you think that the kinds of in-your-face experiments like the *Illegal Art* show, where people skirt the law to make a point about where the boundaries are, are helpful or harmful to these kinds of struggles?**

Oh, I think it's very helpful. I think that ordinary people have no clue about the way in which intellectual property affects creative expression. People think that copyright is unambiguously pro-creativity. And a thing that scholars of copyright have known forever is that copyright is an important part of inducing creativity, but it also can, quite fundamentally, interfere with the creative process if, in fact, it becomes too strong or too extensive.

And I think, especially once digital technologies take off, people don't really have a good sense of the extent to which copyright regulates creative activities using digital technology in a way that it really wouldn't have regulated it so much outside of digital technology.

**Where should people be focusing their energies right now in the fight to keep regulation at bay and establish a public commons?**

I think there's a huge issue around defending the right to fair use that would be very useful for people to focus on. How that happens—whether it's through statutes that are going to protect fair use or not, I'm not sure yet—but the importance of getting access to content and being able to share content, I think, is going to be increasingly important, and we just have to make sure that people who have a vision of the 20th century don't control the way creativity in the 21st century happens. ■



# The Pirates of Hollywood

By Joe Knowles

**T**he language of film may be universal, but don't tell that to the Motion Picture Association of America—you might end up in court.

Just ask Norwegian teen-ager Jon Johansen, who, after police raided his bedroom in December 1999, found himself being indicted for the crime of attempting to watch a DVD.

Johansen had wanted to watch DVDs on his computer, which ran the Linux operating system. There was no DVD viewing software for Linux, however; the DVD Copy Control Association, the MPAA-led industry group that controls and licenses DVD technology, had refused to countenance the open-source alternative operating system. Johansen figured he could just make his own Linux player, but this entailed working around the Content Scrambling System (CSS) used to encrypt DVDs. In Hollywood's view, that is tantamount to piracy, and shortly after Johansen posted the program he helped create, called DeCSS, on the Internet, the long arm of the DVD CCA swooped in.

The ensuing three-year legal battle between Johansen and the American entertainment industry ended in January with a surprising triumph for Internet free speech—at least in Norway. Citing “no evidence” that Johansen had used the code to illegally copy movies, Norwegian Judge Irene Sogn acquitted the teen-ager of all wrongdoing, and also affirmed Norwegians' right to access all content of legitimately purchased media, whether encrypted or not.

But Norway is not the United States, and it does not have a Digital Millennium Copyright Act. In a similar case

that might spell out the difference between free speech in America and free speech elsewhere, the DVD CCA has filed suit in California against a group of programmers who, like Johansen, were trying to develop a Linux DVD player. Though that case is still pending, the DVD CCA is thought to be on firmer legal ground than in Norway, if only because of the vague powers granted it by the DMCA.

“Had Johansen been tried in the United States, the outcome would almost certainly have been different,” commented the New York-based “hacker quarterly” *2600*. The editors of that publication ought to know. After the DVD CCA sued them for publishing Johansen's code, U.S. District Judge Lewis A. Kaplan enjoined the magazine from publishing or even linking to DeCSS. Citing the DMCA, Kaplan reasoned that DeCSS is not “speech” but a mere program, and therefore not subject to First Amendment protection.

Those are fighting words to some programmers, who can pour a lot of heart and soul into their “speech” to machines—especially if that speech goes without pay, as most open-source developers' labor does. David S. Touretzky, a computer scientist at Carnegie Mellon University, has set up an online gallery ([www-2.cs.cmu.edu/~dst/DeCSS/Gallery/](http://www-2.cs.cmu.edu/~dst/DeCSS/Gallery/)) collecting examples of the body of “DeCSS art” that has sprouted in the wake of Judge Kaplan's declaration. Examples range from T-shirts and ties bearing the DeCSS code, to MP3s of complete songs whose performers sing the code as lyrics. One anonymous contributor wrote a lengthy series of haiku that, Touretzky observes, is “both a commentary on the DeCSS situation and a correct and complete description of the descrambling algorithm”:

Reader, see how yet  
technical communicants  
deserve free speech rights;

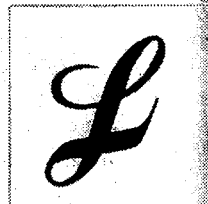
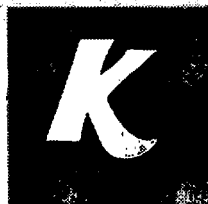
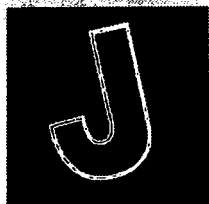
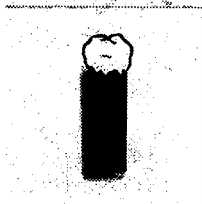
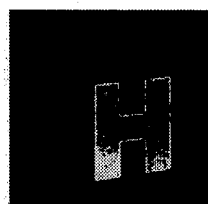
see how numbers, rules,  
patterns, languages you don't  
yourself speak yet,



## Justin Fines / Demo Co.

We Love To See You Smile (diptych)  
*Inkjet print on canvas*

Fines writes: “On McDonald's corporate Web site, it is stated in their business relations section that ‘the smile known around the world, Ronald McDonald is second only to Santa Claus in terms of recognition.’ McDonald's unmatched bravado for monoculture and domination came together with my own fears and stress about an imminent ‘Gulf War 2’ and is expressed in this piece.”



## Heidi Cody

American Alphabet

Installation, 2000

Brooklyn-based artist Heidi Cody frequently uses consumer products, packaging and logos in her work. The letters shown here are part of "American Alphabet," all 26 letters of which she took from corporate logos. So far Cody has not had any legal troubles. Ad agencies have even purchased parts of the Alphabet.

still should in law be  
protected from suppression,  
called valuable speech!

**S**urely, however, one must concede that movie studios have a right to protect their work from being pirated. Isn't the MPAA justified in being nervous about the spread of DeCSS? It would be, except there's one problem: CSS doesn't actually do anything to stand in the way of illegal copying. Matt Pavlovich, a Dallas-based programmer who was recently exempted from jurisdiction in the DVD CCA's lawsuit in California, explained to *In These Times* that "encryption as a science has never claimed to prevent copying. Encryption is designed to protect communication between two parties in such a way that anyone in between would not be able to interpret the conversation—any 'middle-man' could always make dozens of copies of the encrypted content."

In other words, if CSS encryption's purpose is to prevent wholesale copying, then it is pointless—because every DVD player will decrypt the discs anyway upon playback. Industry-backed DVD producers themselves "never deal with encryption to make copies," Pavlovich adds, "so how can it be considered copy protection?"

So what is the purpose of CSS, then? Apart from preventing unlicensed competition from Norwegian teenagers, encryption allows the DVD CCA to enforce an unpopular but lucrative region-coding scheme, which chops up the world into different marketing zones that can be manipulated and exploited for maximum profits. Imagine purchasing a book whose covers locked shut upon passing from one country to another, or a CD that suddenly stopped playing in the airport at customs.

That's how DVDs work: If you legally purchase a disc while on vacation in Japan (Region 2), you will not be able to play it when you get back to the States (where all players sold are locked to Region 1). If you pick up some movies while visiting family in Mexico (Region 4), you are again out of luck: A Region 1 player will refuse to decrypt anything other than a Region 1 or (increasingly rare) region-free disc. DeCSS helps restore consumers' right to access discs they've purchased regardless of the target market they live in—and that's why the MPAA hates it.

Aside from offending basic human principles that art should know no borders, it seems hard to believe that the region scheme could even be legal in an era of supposed free trade and globalized culture. (In light of NAFTA, for example, how does the DVD CCA get away with excluding Mexico from the rest of North America?) Of course, free trade was never about bringing people together or removing "barriers" between nations. If anything, we can thank the DVD cartel for so plainly demonstrating that the rhetoric of globalization is just that. ■

Joe Knowles can be reached at [knowles@inthesetimes.com](mailto:knowles@inthesetimes.com).

## Music for the Masses

By Pat Aufderheide

**W**hen Lester Chambers stepped onto the stage to galvanize the audience with "People Get Ready," his band included one guy who looked like he might be from the IRS. But he wasn't. He was there from the Federal Communications Commission.

New FCC Commissioner Jonathan Adelstein, garage band harmonica player, joined in, and then stepped up to the podium to talk about the importance of musicians' voices as the FCC began deciding on a set of deregulation proposals. The Future of Music Coalition's third conference was like that.

The coalition, led by singer-songwriter Jenny Toomey, was born out of musicians' frustration with the crises of the music industry. The potential benefits of new digital opportunities weren't trickling down to musicians, while they were bearing the brunt of the industry's attempts to control change. Three years later, the coalition has brought together musicians, unions, some businesses, and public-interest organizations for artist empowerment.

More than 500 people signed up to attend this year's conference. Hair styles ranged from punk pink to lobbyist trim. Interspersed with live music ranging from opera to avant-garde to folk to rock, panels featured critics and leaders in the recorded music business. But no one showed up from the National Association of Broadcasters, which refused FMC's invitation.

That mattered because of the FMC's authoritative study, "Radio Deregulation: Has It Served Citizens and Musicians?" ([futureofmusic.org/research/radiostudy.cfm](http://futureofmusic.org/research/radiostudy.cfm)). It shows what happened to radio when Congress removed most of the restraints on radio ownership in 1996, and radio went from mom-and-pop to oligopoly almost overnight: Two companies, Clear Channel and Viacom, now control 42 percent of the market. The study shows that a few companies control the playlists defining different music formats, and those playlists now overlap greatly. The report has been submitted to the FCC, which is considering further drastic deregulation.

**T**he music business, many panelists agreed, is in crisis. Digital file-sharing generally has triggered much of the current crisis, although it didn't start it. Webcasting—Internet-based radio stations where aficionados and small entrepreneurs showcase music that has lost out in format consolidation—is one creative use of the new medium that could help the industry. But webcasting recently suffered a huge blow from the federal government's decision to charge high (for webcasters) royalty fees.

The royalties problem is just one example of the wider problem of rights management. Music rights are already poorly allocated; radio royalties, for instance, are paid to songwriters but not to performers, through redistribution companies BMI and ASCAP. Digital technology complicates matters further; sampling is easier than ever, but it also creates a rights nightmare. Musicians who are sampled want to be paid; musicians who sample want to be able to use.

Musicians, everyone agreed, need more control over their own creations and also more access to raw material.

That's where Creative Commons executive director Glenn Brown stepped in, noting the more flexible rights licenses that his organization has introduced. They permit a creator to authorize some noncommercial use without giving copyright away completely.

Meanwhile, industry incumbents are busy putting up digital fences. The Recording Industry Association of America rep touted the value of new pay-for-play services like Pressplay. Microsoft's rep celebrated the growing trend toward "tagging" items like songs or programs or articles or books, so that a user's rights can be limited precisely (copy once, play three times, etc.). But Consumer Federation of America rep Mark Cooper argued that Digital Rights Management, as the tagging is called, puts all the control in the hands of the corporate provider, and steals existing rights from users. Instead of technologically limiting users, he said, government and industry should develop new strategies—new policies—for compensation.

Conferees glumly commiserated in the sad state of retail—where 20 percent dips in sales are typical, in part because of the Internet. Some musicians are successfully using the Internet to sell independent product, but no one has solved the problem of marketing. "The old platform [retail] is dying, and the new platform [the Internet] isn't mature yet," one agent said ruefully.

A panel on the recording industry did nothing to convince musicians that the recording industry had a clue. But John Flansburgh of They Might Be Giants soberly cautioned against glee at the big labels' downfall. "We'll miss the majors," he said. "They'll be swallowed up by large media and packaged-goods companies, and J-Lo will be the future. We'll see a lot of actors who just happen to love to sing."

A counter-trend to megablandness showed up at the FMC in the shape of new businesses, ranging from intrepid webcasters to satellite radio to subscriber music services to on-the-road-and-on-the-Web musicians. But all these businesses depend, in the long run, on successful policies that can exploit the opportunities of digital communication while remaining fair to consumers. ■



## Natalka Husar

Library

*Oil on book covers, 1999-2001*

Taken from the exhibition *Blond with Dark Roots*, this 16-part series uses the format of 1950s and '60s romance novels to present the experiences of a young Ukrainian immigrant. To create these images, Husar bought romance novels at thrift stores, removed their covers, left the title of each book intact, changed the publisher's logo to "A Husar Romance," and painted over the rest of each cover with her own image.

In May 2002, Husar received a letter from Harlequin Enterprises Ltd. accusing her of violating the moral rights of its authors, artists and editors. The company is demanding that Husar either alter the existing paintings or stop including them in exhibitions.

Husar has hired a lawyer and plans to fight the publisher's "absurd" accusations.



# Freedom of Expression™

By Kembrew McLeod

**T**he power of corporations to censor was greatly expanded by the passage in 1998 of the Digital Millennium Copyright Act, which was written by and for the lobbies that paid to push it through Congress—the software, entertainment, pharmaceutical and other intellectual property industries.

Most significantly, the DMCA severely curtails the “fair use” of copyrighted goods. The fair use statute was written into the 1976 Copyright Act to prevent overzealous copyright owners from controlling all uses of their goods. Fair use allows artists, writers and scholars to use fragments of copyrighted works without permission for the purposes of education, criticism and parody, among other things. The problem is that the DMCA, passed by a Republican Congress and signed into law by President Clinton, places the judicial powers of deciding what is fair use and what is not into the hands of copyright and trademark owners. They, of course, are not very liberal in their interpretations of how their intellectual property is used by others. For most intellectual property-owning corporations, *any* use is stealing.

The DMCA gives corporations the power to essentially purge from the Internet what they deem to be copyright and trademark violations, usually by forcing Internet service providers to remove offending Web sites. The act encourages such behavior because the law states that ISPs and Web host companies can avoid liability *only* if they comply with copyright owners’ demands to quickly remove so-called infringing materials. Search engines are also liable under the law for simply pointing users to Web sites, though they too can avoid lawsuits if they cave to the demands of overzealous copyright owners by removing certain search results. Intellectual property owners can simply make your voice disappear if they do not like what you have to say about them—whether you are liberal, conservative or neither. This is something that was much more difficult in a non-digital world.

This recently happened to a parody Web site that targeted Dow Chemical and the infamous chemical spill that killed an

estimated 20,000 people in Bhopal, India. In 1984, a pesticide plant in Bhopal owned by Union Carbide, now part of Dow, sprung a leak and killed 5,000 residents, after which the plant was abandoned without a cleanup, gradually claiming an additional 15,000 lives since. Shortly after the parody Web site went online in 2002, lawyers for Dow sent the site’s ISP, called The Thing, a cease and desist letter, claiming that the site was in violation of the DMCA because, “The Web site displays numerous trademarks, images, texts and designs taken directly from Dow’s Web site.”

Soon after, the ISP itself—also a provider for other artistic projects, including *Artforum* magazine—was informed that its high-speed connection provider, Verio Inc., would terminate its service. Now the parody site cannot find an ISP in the United States that will host it.

**A**nother way content can be policed online is the way domain name disputes are arbitrated in cases of so-called cyber-squatting—when a domain name that incorporates a trademark is registered by someone other than the mark’s owner. In 2001, professor Michael Geist of the University of Ottawa conducted two studies that demonstrate that the arbitration process is unfairly balanced in favor of corporate trademark owners. Two organizations, the National Arbitration Forum (NAF) and the World Intellectual Property Organization (WIPO), decide the lion’s share of domain disputes—94 percent.

Why do these organizations dominate the process? Trademark owners, the complainants, can choose where a case is heard, and Geist’s two studies demonstrate that NAF and WIPO actively choose judges who favor complainants. It’s no surprise that WIPO’s arbitration panel has removed custody of hundreds of domain names and turned them over to corporate trademark owners. The WIPO doesn’t just rule against someone who is squatting on McDonalds.com or VivendiUniversal.com, but anyone who registers an obviously satirical variation of that trademark, such as VivendiUniversalSucks.com.

Indeed, on November 7, 2001, the panel ruled that very domain name may cause confusion among the public, and pulled the plug on a group of Vivendi Universal critics. In one of the more surreal examples of intellectual property jurisprudence, WIPO argued that “certain members of the public in general and ‘Internauts’ in particular, not being English speakers and/or aware of the meaning of the word ‘sucks’ in the Internet world, would be likely to understand ‘sucks’ as a banal and obscure addition to the reasonably well-known mark VIVENDI UNIVERSAL and that, accord-

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ingly, <vivendiuniversalsucks.com> refers to services provided by the Complainant."

It's important to understand that trademark law has no formally written "fair use" statute, and this gives much less room for Freedom of Expression™ on the Internet, and in the offline world as well. Federal law protects trademarks from being portrayed in an "unwholesome or unsavory context," which allows courts to suppress uses of famous cultural icons that are unauthorized, even when there is no reasonable possibility of confusion.

For instance, in 1977 an environmental group used a caricature of the Reddy Kilowatt trademark in literature that was critical of the electric utility industry, and the company responded by filing an injunction for the unauthorized use of their mark. This injunction was upheld by the U.S. District Court for the District of Columbia. The court ruled that, essentially, you cannot use a trademarked property to express yourself—it constitutes a type of trespassing. In Canada, the Manitoba Court of Appeal similarly ruled that striking Safeway workers could not appropriate the Safeway trademark in their union literature. The Court ruled that "there is no right under the guise of free speech to take or use what does not belong to [you]."

If you were wondering why I included the ™ symbol in the paragraph above, it's because I own the federally registered trademark, Freedom of Expression™ (No. 2,127,381). Apparently, the U.S. Patent and Trademark Office did not find the idea of someone controlling this phrase morally, socially and politically unsettling, and it granted me ownership of the mark in 1998. If, for instance, the ACLU wanted to publish a magazine titled *Freedom of Expression™*, it would have to seek my permission and pay royalties—and if I was in a bad mood, or didn't agree with the ACLU's agenda, I could sue them for the unauthorized use of the phrase.

Don't worry ... I wouldn't do anything like that. I'm not Disney. But I am considering pursuing legal action against AT&T for their use of Freedom of Expression™ in a recent ad campaign. ■

**Kembrew McLeod** is the author of *Owning Culture: Authorship, Ownership and Intellectual Property Law*.

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## Dick Detzner

### The Last Pancake Breakfast *Oil on panel, 2000*

Detzner, who has not experienced any legal problems yet, is not sure that all appropriation of copyrighted material constitutes art. "There's a difference between parody and straight ripoff, and people have to figure out when it's parody and when it's not," he says.



## Continued from back cover

To say somebody is a PP is to make a perfectly respectable medical diagnosis, like saying he or she has appendicitis or athlete's foot. The classic medical text on PPs is *The Mask of Sanity* by Dr. Hervey Cleckley. Read it! PPs are presentable, they know full well the suffering their actions may cause others, but they do not care. They cannot care because they are nuts. They have a screw loose!

And what syndrome better describes so many executives at Enron and WorldCom and on and on, who have enriched themselves while ruining their employees and investors and country, and who still feel as pure as the driven snow, no matter what anybody may say to or about them? And so many of these heartless PPs now hold big jobs in our federal government, as though they were leaders instead of sick.

What has allowed so many PPs to rise so high in corporations, and now in government, is that they are so decisive. Unlike normal people, they are never filled with doubts, for the simple reason that they cannot care what happens next. Simply can't. Do this! Do that! Mobilize the reserves! Privatize the public schools! Attack Iraq! Cut health care! Tap everybody's telephone! Cut taxes on the rich! Build a trillion-dollar missile shield! Fuck *habeas corpus* and the Sierra Club and *In These Times*, and kiss my ass!

*How have you gotten involved in the anti-war movement? And how would you compare the movement against a war in Iraq with the anti-war movement of the Vietnam era?*

When it became obvious what a dumb and cruel and spiritually and financially and militarily ruinous mistake our war in Vietnam was, every artist worth a damn in this country, every serious writer, painter, stand-up comedian, musician, actor and actress, you name it, came out against the thing. We formed what might be described as a laser beam of protest, with everybody aimed in the same direction, focused and intense. This weapon proved to have the power of a banana-cream pie three feet in diameter when dropped from a stepladder five-feet high.

And so it is with anti-war protests in the present day. Then as now, TV did not like anti-war protesters, nor any other sort of protesters, unless they rioted. Now, as then, on

account of TV, the right of citizens to peacefully assemble, and petition their government for a redress of grievances, "ain't worth a pitcher of warm spit," as the saying goes.

*As a writer and artist, have you noticed any difference between how the cultural leaders of the past and the cultural leaders of today view their responsibility to society?*

Responsibility to which society? To Nazi Germany? To the Stalinist Soviet Union? What about responsibility to humanity in general? And leaders in what particular cultural activity? I guess you mean the fine arts. I hope you mean the fine arts. ... Anybody practicing the fine art of composing music, no matter how cynical or greedy or scared, still can't help serving all humanity. Music makes practically everybody fonder of life than he or she would be without it. Even military bands, although I am a pacifist, always cheer me up.

But that is the power of ear candy. The creation of such a universal confection for the eye, by means of printed poetry or fiction or history or essays or memoirs and so on, isn't possible. Literature is by definition opinionated. It is bound to provoke

the arguments in many quarters, not excluding the hometown or even the family of the author. Any ink-on-paper author can only hope at best to seem responsible to small groups or like-minded people somewhere. He or she might as well have given an interview to the editor of a small-circulation publication.

Maybe we can talk about the responsibilities to their societies of architects and sculptors and painters another time. And I will say this: TV drama, although not yet classified as fine art, has on occasion performed marvelous services for Americans who want us to be less paranoid, to be fairer and more merciful. *M.A.S.H.* and *Law and Order*, to name only two shows, have been stunning masterpieces in that regard.

*That said, do you have any ideas for a really scary reality TV show?*

"C students from Yale." It would stand your hair on end.

*What targets would you consider fair game for a satirist today?*

Assholes. ■

*At the time of this interview, Vonnegut was upset at the New York Times for refusing to print a letter to the editor he had written on New Year's Day. We publish that letter here as yet another example of how the mainstream media limit public debate. —J.B.*

January 1, 2003

To the Editor of the *New York Times*:

Anent Bob Herbert's "Out The Door" (Op-Ed, Jan. 1), which comments on Verizon's firing 2,400 workers just before Christmas, and on the millions and millions and millions pocketed by Verizon executives Ivan Seidenberg and Larry Babbio, who still have jobs—and also anent *A Christmas Carol* by Charles Dickens, much performed this past December:

Ebenezer Scrooge had a conscience which could be awakened. Executives of so many of our corporations nowadays, not only Verizon, enrich themselves while ruining their employees, and still feel as pure as the driven snow, no matter what anyone may say to them.

This sort of economic terrorism was certainly not going on at General Electric when my brother and I worked there 50 years ago.

In any case, there is a medical term for personable persons who know full well the suffering their actions may cause others, and do not care. They are "psychopathic personalities," or "PPs." Unlike Ebenezer Scrooge, PPs do not care because they cannot care. They have a screw loose.

The classic medical text on PPs is *The Mask of Sanity* by Dr. Hervey Cleckley.

Yours truly,  
Kurt Vonnegut Jr.



# Kurt Vonnegut vs. the !&#\*!@

**I**n November, Kurt Vonnegut turned 80. He published his first novel, *Player Piano*, in 1952 at the age of 29. Since then he has written 13 others, including *Slaughterhouse Five*, which stands as one of the pre-eminent anti-war novels of the 20th century.

As war against Iraq looms, I asked Vonnegut, a reader and supporter of this magazine, to weigh in. Vonnegut is an American socialist in the tradition of Eugene Victor Debs, a fellow Hoosier whom he likes to quote: "As long as there is a lower class, I am in it. As long as there is a criminal element, I am of it. As long as there is a soul in prison, I am not free."

—Joel Bleifuss

*You have lived through World War II, Korea, Vietnam, the Reagan wars, Desert Storm, the Balkan wars and now this coming war in Iraq. What has changed, and what has remained the same?*

One thing which has not changed is that none of us, no matter what continent or island or ice cap, asked to be born in the first place, and that even somebody as old as I am, which is 80, only just got here. There were already all these games going on when I got here. ... An apt motto for any polity anywhere, to put on its state seal or currency or whatever, might be this quotation from the late baseball manager Casey Stengel, who was addressing a team of losing professional athletes: "Can't anybody here play this game?"

My daughter Lily, for an example close to home, who has just turned 20, finds herself—as does George W. Bush, himself a kid—an heir to a shockingly recent history of human slavery, to an AIDS epidemic and to nuclear submarines slumbering on the floors of fjords in Iceland and elsewhere, crews prepared at a moment's notice to turn industrial quantities of men, women and children into radioactive soot and bone meal by means of rockets and H-bomb warheads. And to the choice between liberalism or conservatism and on and on.

What is radically new in 2003 is that my daughter, along with our president and Saddam Hussein and on and on, has inherited technologies whose byproducts, whether in war or peace, are rapidly destroying the whole planet as a breathable, drinkable system for supporting life of any kind. Human beings, past and present, have trashed the joint.

*Based on what you've read and seen in the media, what is not being said in the mainstream press about President Bush's policies and the impending war in Iraq?*

That they are nonsense.



*My feeling from talking to readers and friends is that many people are beginning to despair. Do you think that we've lost reason to hope?*

I myself feel that our country, for whose Constitution I fought in a just war, might as well have been invaded by Martians and body snatchers. Sometimes I wish it had been. What has happened, though, is that it has been taken over by means of the sleaziest, low-comedy, Keystone Cops-style *coup d'etat* imaginable. And those now in charge of the federal government are upper-crust C-students who know no history or geography, plus not-so-closeted white supremacists, aka "Christians," and plus, most frighteningly, psychopathic personalities, or "PPs."

Continued on page 45